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Monday
July 20, 1981

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- 37279 Mortgage Insurance** HUD/FHC proposes regulatory requirements for FHA insured mortgage loan at a negotiated interest rate.
- 37488 Handicapped—Nondiscrimination** DOT issues interim final rules and requests comments on mass transit services for handicapped persons.
- 37297 USDA/Sec'y** notifies recipients of Federal financial assistance to comply with nondiscrimination provisions.
- 37252 Grant Programs—Agriculture** USDA proposes to establish policy and guidance for administration of grants and cooperative agreements.
- 37484 Grant Programs—Libraries** ED issues final rules for Library Research and Demonstration Program. (Part III of this issue)
- 37470 Grant Programs—Higher Education** ED proposes regulations for Institutional Aid Programs. (Part II of this issue)
- 37250 Oil and Gas Leasing** Interior/BLM partially lifts moratorium on issuance of noncompetitive oil and gas leases for Federal lands acquired for military or naval purposes.
- 37239 Aliens** Justice/INS rescinds travel restriction regulations placed on Iranian Nationals.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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- 37247 Motor Vehicle Safety** EPA establishes nitrogen oxides emission standards for several 1982 model year light-duty diesel vehicles.
- 37287 Air Pollution Control** EPA proposes performance standards and monitoring requirements for new or modified kraft pulp mills.
- 37283 Surface Mining** Interior/SMREO repropose regulations on disposal of excess spoil.
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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

[Termination of California Desert Grape Reg. 1]

Grapes Grown in a Designated Area of Southeastern California; Termination of Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action terminates quality, container, inspection and packing holiday regulation for grapes grown in Southeastern California effective July 15, 1981. Due to weather and crop conditions the commercial season for these grapes will be completed by that date.

EFFECTIVE DATE: July 15, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a non-major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. This document is issued under marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of grapes grown in a designated area of Southeastern California. This marketing agreement and order are effective under the applicable provisions of the

Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the California Desert Grape Administrative Committee, established under the marketing agreement and order, and upon other information. It is found that termination of the regulation will tend to effectuate the declared policy of the act.

Termination of the regulatory requirements would permit utilization of grapes remaining in the vineyards after the regular commercial harvest has ended. Such grapes, some of which would not meet current requirements, are expected to be sold locally, and not in major commercial markets. The committee reports that the 1981 desert grape season is ending sooner than expected due to hot weather and because the crop was smaller than anticipated. Unless terminated, these regulatory requirements would remain in effect until August 15, 1981.

After consideration of all relevant matters presented, including the recommendation of the committee, and other available information, it is hereby found that the continued regulation of the 1981 California desert grape crop no longer tends to effectuate the declared policy of the act, and the current requirements should be terminated effective July 15, 1981.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date of termination until 30 days after publication thereof in the Federal Register (5 U.S.C. 553), in that: (1) the time intervening between the date when information upon which this action is based became available and the time when this termination action must become effective in order to effectuate the declared policy of the act is insufficient; (2) the recommendation and supporting information in regard to termination of the regulation were promptly submitted to the Department after a meeting of the committee on July 7, 1981; and (3) this final rule terminates handling requirements for fresh desert grapes.

Therefore, the provisions of § 925.300 California Desert Grape Regulation 1 (46

FR 24145) are hereby terminated effective July 15, 1981.

§ 925.300h [Removed]

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-21071 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1135

Milk in the Southwestern Idaho-Eastern Oregon Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends a portion of the pooling standards for distributing plants and the limit on how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. Based on available information concerning the market's current supply conditions, it is necessary to suspend the provisions in question to accommodate the efficient and orderly disposition of reserve milk supplies that are available to the market. The suspension is for the months of July and August 1981.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Proposed Suspension: Issued June 22, 1981; published June 25, 1981 (46 FR 32874). Notice of Hearing: Issued June 22, 1981; published June 25, 1981 (46 FR 32873).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291. It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this

document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the *Federal Register*. However, this would not permit the issuance of the suspension on the timely basis necessary to include July 1981 in the suspension period.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that Grade A dairy farmers in the area will have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southwestern Idaho-Eastern Oregon Marketing Area.

Notice of proposed rulemaking was published in the *Federal Register* (46 FR 32874) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. A cooperative association filed comments supporting the suspension. A limited number of producers commented in opposition to the suspension.

After considering all relevant material, including the proposal in the notice, comments received and other available information, it is hereby found and determined that for the months of July and August 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1135.7, paragraph (a)(2) in its entirety.

2. In § 1135.13 (f)(3), (4) and (5), the words "and 70 percent in others months."

Statement of Consideration

This action makes inoperative for July and August 1981 (1) the provision that at least 40 percent of the receipts of milk at a pool distributing plant be disposed of as fluid milk products on routes and (2) the provisions limiting the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The present order provides that a cooperative association may divert up to 60 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February and 70

percent in other months. Similarly, the operator of a pool plant or a proprietary bulk tank handler may divert during the months of September through February up to 60 percent of their producer receipts that are not under the control of a cooperative association, and 70 percent in other months.

These provisions, which became effective under the new order on July 1, were adopted for the purpose of facilitating the pooling of producer milk supplies that are available to meet the fluid needs of the market. The provisions were based on evidence developed at a public hearing that was completed in February 1980. On the basis of available information it is clear that current marketing conditions are substantially different from those existing at the time the provisions in question were proposed.

An indication of the changed market situation is the present upsurge in the market's milk supplies due to a substantial increase in milk production by producers in the major supply area (Idaho) for the market. For example, milk production in Idaho is up over 9 percent for the first 5 months of 1981 compared to the same months in 1980. This follows nearly a 15 percent increase in milk production during the first 5 months of 1980 from the comparable period in 1979.

Because of this recent buildup in the availability of milk supplies for the market, Mountain Empire Dairymen's Association, Inc. and Dairymen's Creamery Association, Inc., who represent a large majority of the producers associated with the market, requested that a hearing be held to consider on an emergency basis certain proposals to relax these pooling provisions. The basis of their request was that because of the present buildup in milk supplies the pooling provisions in question will prevent them from pooling under the new order the milk of some of their members who are regularly associated with the market. Consequently, a notice of hearing was issued on June 22, 1981 (46 FR 32873) to consider the cooperatives' request on an emergency basis at a public hearing to begin on July 15, 1981 in Boise, Idaho.

In view of the urgency of the marketing situation concerning the market's current supply conditions, immediate action is necessary to assure that producers associated with the market will have their milk pooled and priced under the order. However, there is insufficient time to resolve the pooling problem for July and August 1981 on an emergency amendatory basis. Accordingly, this temporary suspension is warranted since it is the only

practicable means of assuring producer status of certain dairy farmers associated with the market for July and August 1981 pending the completion of the hearing proceeding.

The suspension was supported by one of the two cooperatives that requested the emergency hearing primarily for the same reasons set forth in its request for emergency amendatory action. Consequently, support for the suspension is widespread since this cooperative represents a substantial number of the producers supplying the market.

A limited number of producers commented in opposition to the suspension. Their views centered on the contention that pooling the increased milk production will reduce the blend price under the order. This argument should not be an overriding consideration. As noted, the marketing situation relative to milk supplies available to the market has changed and the suspension is warranted under the changed circumstances.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that substantial quantities of milk of certain producers associated with the market otherwise would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the *Federal Register*.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of July and August 1981.

Effective date: Upon July 21, 1981.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Signed at Washington, D.C., on July 15, 1981.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-21066 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation**7 CFR Part 1446****1981—Crop Peanut Loan and Purchase Program**

AGENCY: Commodity Credit Corporation, Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1446.33 and 1446.34 (Loan and Purchase Rates). Adjustments in national support levels for quota and additional peanuts are published each year in the *Federal Register* and are also later codified in the Code of Federal Regulations. In order to avoid having to amend the Code of Federal Regulations each time a change is made in the loan rates, the national support level for quota and additional peanuts will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop peanuts but will be published in the *Federal Register* in the notice section.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: David L. Kincannon, (ASCS) Price Support and Loan Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-6733.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in conformance with Executive Order 12291 and has been classified as "not major." This rule has been classified as "not major" since it does not have an annual effect on the economy of \$100 million or more. We have determined that it is impracticable for the Commodity Credit Corporation (CCC) to follow the public rulemaking requirement of Secretary's Memorandum 1955 and 5 U.S.C. with respect to this rule since this action makes no substantive change but merely deletes the national loan rates previously published in the Code of Federal Regulations. Previously, national loan rates for quota and additional peanuts were published in the *Federal Register* as proposed rules and final rules, then were later codified in the Code of Federal Regulations. Effective with 1981-crop peanuts, support rates will appear only as notices in the *Federal Register*. The loan and purchase rates previously appearing in §§ 1446.30 through 1446.37 remain applicable to the appropriate crop years.

Final Rule**§§ 1446.33 and 1446.34 [Removed]**

Accordingly, §§ 1446.33 and 1446.34 of Title 7 are hereby removed from the Code of Federal Regulations.

(Secs. 4 and 5, 62 Stat. 1070, as amended, (15 U.S.C. 714b and c); secs. 101, 108, 401, 63 Stat. 1051, as amended, (7 U.S.C. 1421, 1441c, 1445))

Signed at Washington, D.C. on July 14, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-21039 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-05-M

7 CFR Part 1446**1981—Crop Peanut Loan and Purchase Program**

AGENCY: Commodity Credit Corporation, Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1446.38 through 1446.40 (Loan and Purchase Rates). Adjustments in loan and purchase rates for differences in type, quality, location, and other factors for peanuts eligible for price support are published each year in the *Federal Register* and are also later codified in the Code of Federal Regulations. In order to avoid having to amend the Code of Federal Regulations each time a change is made in the loan schedules, the annual crop year loan schedules will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop peanuts but will be published in the *Federal Register* in the notice section.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Gypsy S. Banks, (ASCS) Price Support and Loan Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-6733.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in conformance with Executive Order 12291 and has been classified as "not major." This rule has been classified as "not major" since it does not have an annual effect on the economy of \$100 million or more. We have determined that it is impracticable for the Commodity Credit Corporation (CCC) to follow the public rulemaking requirement of Secretary's Memorandum 1955 and 5 U.S.C. with respect to this rule since this action makes no substantive change but merely deletes the loan and purchase rates previously published in the Code of

Federal Regulations; however, previously, loan and purchase rates were published in the *Federal Register* as proposed rules and final rules. The same loan schedules were later codified in the Code of Federal Regulations. Effective with 1981-crop peanuts, support rates will appear only as notices in the *Federal Register*. The material previously appearing in §§ 1427.100 through 1427.105 remain in full force and effect as to the crop years to which it is applicable.

Final Rule**§§ 1446.38 through 1446.40 [Removed]**

Accordingly, §§ 1446.38 through 1446.40 of Title 7 are hereby removed from the Code of Federal Regulations.

(Secs. 4 and 5, 62 Stat. 1070, as amended, (15 U.S.C. 714 b and c); secs. 101, 108, 401, 63 Stat. 1051, as amended, (7 U.S.C. 1421, 1441c, 1445))

Signed at Washington, D.C. on July 14, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-21038 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE**Immigration and Naturalization Service****8 CFR Part 211****Aliens And Nationality; Removal of Restrictions; Iranian Nationals**

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The revision deletes language which requires a returning lawful permanent resident alien who has traveled to, in or through Iran to receive permission from the Secretary of State for such travel, before a waiver of certain entry documents may be granted. Rescission of this restriction was inadvertently omitted from the rule published May 8, 1981, which rescinded most restrictions on Iranian nationals.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT:

For General Information contact: Stanley J. Kieszkil, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536, Telephone (202) 633-3048.

For Specific Information contact: Michael J. Heilman, General Attorney, Immigration and Naturalization

Service, 425 Eye Street, N.W.,
Washington, DC 20538, Telephone
(202) 633-2620.

SUPPLEMENTARY INFORMATION: On May 8, 1981, rules were published at 46 FR 25597 rescinding most of the restrictions placed on Iranian nationals as a result of the taking of the American hostages and the break in diplomatic relations. In those rules, rescission of the restriction in 8 CFR 211.1(b)(3) was inadvertently omitted. Therefore, this rule rescinds this restriction which requires a returning lawful permanent resident alien who has traveled to, in, or through, Iran to receive permission from the Secretary of State for such travel before a waiver of certain entry documents may be granted.

This final rule is not within the requirements of Executive Order 12291 because the rule is issued with respect to a foreign affairs function of the United States and is exempt under section 1(a)(2) of the Order.

Compliance with 5 U.S.C. 553 as to notice and delayed effective date is not required because the rule involves a foreign affairs function and it is not in the public interest to delay promulgation.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that promulgation of this final rule will not have a significant economic impact because the rule simply removes restrictions which were previously imposed during the Iranian crisis.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS: WAIVERS

Section 211.1(b)(3) is revised to read as follows:

§ 211.1 Visas.

(b) * * *

(3) *Waiver of visas.* An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad who satisfies the district director in charge of the port of entry that there is good cause for his failure to present an immigrant visa, Form I-151 or I-551, or reentry permit may, upon application on Form I-193, be granted a waiver of that requirement. If the returning resident alien is not presenting Form I-151 or I-551 because he has lost it, a Form I-90, (application for a replacement Form I-151) in duplicate, may be filed with the district director

having jurisdiction over the port of entry who may in his discretion grant or deny without appeal a waiver of the required immigrant visa, reentry permit or Form I-151, by an immigrant alien who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year; filing the I-90 will serve not only as an application for replacement but also as an application for waiver of passport and visa without the necessity of a separate filing of Form I-193. An alien who is granted a waiver under this part upon presentation of Form I-90 shall, after admission into the United States, comply with the requirements of § 264.1(c) of this chapter.

(Secs. 103, 211; 8 U.S.C. 1103, 1181)

Dated: July 15, 1981.

Doris M. Meissner,
Acting Commissioner.

[FR Doc. 81-21086 Filed 7-17-81; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

Restrictions on Importation of Horses From Denmark

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document extends to Denmark the prohibitions previously placed on the importations into the United States of certain horses from or that have been in countries affected with contagious equine metritis (CEM). This action is necessary to protect the livestock of the United States from such disease.

DATES: The foregoing amendment shall become effective July 14, 1981, except for horses then in transit to the United States from Denmark (i.e., loaded aboard a commercial carrier and en route to the United States). Comments must be received on or before September 18, 1981.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, 6505 Belcrest Road, Federal Building, Room 870, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, 6505 Belcrest Road, Federal Building, Room 821, Hyattsville, MD 20782, 301-436-8530.

SUPPLEMENTARY INFORMATION: This emergency action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule."

The Department has determined that this rule will have an annual effect on the economy of less than \$100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The emergency nature of this action makes it impractical for the agency to follow the procedures in Executive Order 12291 with respect to this action.

Dr. M. J. Tillery, Director, National Program Planning Staffs, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim action because importation of horses from Denmark, a country affected with contagious equine metritis (CEM), must be restricted in order to protect the livestock of the United States from the introduction and dissemination of CEM.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency action are impracticable and contrary to the public interest; and good cause is found for making this emergency action effective less than 30 days after publication of this document in the *Federal Register*. Comments have been solicited for 60 days after publication of this document, and this emergency action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the *Federal Register* as soon as possible.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because only 50 horses have been imported into the United States from Denmark since January 1, 1980.

On September 9, 1977 (42 FR 45895), a prohibition was placed on the importation into the United States of certain horses from England, Ireland,

and France and the importation into the United States of certain horses that have been in such countries within the 60 days immediately preceding their export to the United States because of the existence of CEM in such countries. On September 16, 1977 (42 FR 48327-48328), the prohibition was extended to include Australia and all of the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man); on November 30, 1978 (43 FR 56876), it was extended to include Belgium and the Federal Republic of Germany; on October 12, 1979 (44 FR 58896-58897), it was extended to include Italy; and on July 1, 1980 (45 FR 45888-45889), it was extended to include Japan.

On December 8, 1977 (42 FR 63384-63385), an amendment extended the specified period as a condition for entry of such horses which have been in countries infected with CEM listed under § 92.2(i) of Title 9, Code of Federal Regulations from 60 days to 12 months. This action was taken to protect the livestock of the United States against the introduction and dissemination of CEM, a communicable disease of horses, into the United States. CEM has now been found to exist in Denmark, and prohibitions on the importation of certain horses from or that have been in that country within 12 months immediately preceding their export to the United States are hereby placed in effect. The same restrictions that now apply to horses from Australia, Ireland, France, Japan, the United Kingdom, Belgium, Italy, and the Federal Republic of Germany are hereby placed on the importation of certain horses from or that have been in Denmark.

Accordingly, § 92.2(i)(1) of Title 9, Code of Federal Regulations, is revised to read as follows:

§ 92.2 General prohibitions; exceptions.

(i)(1) Except as provided in paragraph (i)(2) of this section notwithstanding the other provisions of this part concerning the importation of horses into the United States, the importation of all horses from the following listed countries and the importation of all horses which have been in any such country within the 12 months immediately preceding their export to the United States is prohibited because of the existence of CEM in such countries: Australia, Belgium, Denmark, Ireland, Italy, Japan, Federal Republic of Germany, France, and the United Kingdom (England, Scotland, Northern Ireland, Wales, and the Isle of Man).

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 11, 76 Stat. 130, 132 (21 U.S.C. 111, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 821, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the *Federal Register*.

Done at Washington, D.C., this 14th day of July, 1981.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

(FR Doc. 81-20998 Filed 7-17-81; 8:45 am)

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-14-AD; Amdt. 39-4168]

Airworthiness Directives; Cessna Model P210N Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive 81-01-04 (Amendment 39-4007) and adopts a new AD applicable to Cessna Model P210N (Serial Numbers P21000001 through P21000690) airplanes. AD 81-01-04 required increased fuel enrichment to prevent engine detonation damage and resulted in less than the originally published airplane performance. This superseding AD, which is applicable to the airplanes affected by AD 81-01-04 as well as those produced subsequent thereto, requires additional engine and airplane modifications. These actions will result in restoring the originally published airplane performance and assure an improved engine detonation margin, thereby restoring the original level of safety.

DATE: Effective July 27, 1981.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Cessna Single-Engine Customer Care Service Information Letter SE81-35 dated May 29, 1981, and Supplement No. 1 dated June 29, 1981, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; Telephone (316) 685-9111.

Copies of the Service Information Letter and supplement are also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106; and/or Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Paul O. Pendleton, ACE-214, Aircraft Certification Program, FAA, Room 238, Terminal Building No. 2229, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION:

Airworthiness Directive (AD) 81-01-04 Amendment 39-4007, AD 80-19-16 Amendment 39-3944, and AD 80-19-07 Amendment 39-3912, applicable to certain serial numbers of Cessna Model P210N airplanes, required initial and repetitive inspection of the engine, engine and airplane modifications and restricted fuel leaning. Subsequent to these actions, the manufacturer undertook additional investigations involving the detonation problem associated with these ADs. The results of these investigations identified additional powerplant installation design and operational changes that would restore engine and airplane performance as well as further reduce the possibility of engine detonation.

The new design changes include installation of a redesigned turbocharger as well as revision of fuel flow, engine timing and manifold pressure parameters and limits. The associated operational changes include different leaning procedures and observance of the new fuel flow and manifold pressure parameters and limits.

Instructions for accomplishing the latest manufacturer's findings are contained in Cessna Single-Engine Customer Care Service Information Letter SE81-35 and SE81-35 Supplement No. 1. Since the condition described herein is likely to exist in other airplanes of the same type design, the FAA has determined that compliance with the manufacturer's instructions is necessary in the interest of safety. Accordingly, to accomplish this, a new AD is being issued, superseding AD-81-01-04 and applicable to Cessna Model P210N (S/Ns P21000001 through P21000690) airplanes, making compliance with the aforementioned service letter and supplement mandatory.

Because an unsafe condition is the basis for this action and additional information from the public is unlikely to develop from normal rulemaking procedures, it appears that notice and

public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest, and good cause exists for making the Amendment effective in less than thirty (30) days after the date of publication in the Federal Register.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Cessna: Applies to Model P210N (Serial Numbers P21000001 through P21000690) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished.

To further reduce the possibility of engine detonation and improve the airplane climb performance within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Perform the engine and airplane modifications in accordance with Cessna Single-Engine Customer Care Service Information Letter SE81-35 dated May 29, 1981, and SE81-35 Supplement No. 1 dated June 29, 1981.

(B) Install the cabin pressurization sonic nozzle identified as Cessna Assembly Part Number 2150001-11 in accordance with the aircraft service manual.

Note.—This part, previously required by Airworthiness Directive (AD) 81-01-04, was installed on all airplanes manufactured subsequent to the airplane serial numbers included in AD 81-01-04.

(C) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(D) Any equivalent method of compliance with this Airworthiness Directive must be approved by the Chief, Aircraft Certification Program Office, FAA Central Region, Room 238, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942-4285.

Cessna Single-Engine Customer Care Service Letter SE81-35, applicable to this AD, recommends compliance by November 1, 1981.

This AD supersedes AD 81-01-04, Amendment 39-4007.

This Amendment becomes effective July 27, 1981.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a final regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by

contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review by only the Court of Appeals of the United States or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on July 10, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-21053 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-39-AD; Amdt. 39-4165]

Airworthiness Directive: Boeing Model 747 Series Freighter, Special Freighter and Convertible Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection and repair of the crew compartment overhead hatch on Boeing Model 747 Series Freighter, Special Freighter, and Convertible airplanes which have an upper deck crew service door on the right side of the airplane only. The AD is prompted by a report of a fractured rack pin assembly which caused the hatch to jam in the closed position. This action is necessary to insure the availability of the overhead hatch in the event of an emergency evacuation.

DATES: Effective date July 28, 1981.

Compliance is required within the next 90 days after the effective date of this AD.

ADDRESSES: The Boeing Alert Service Bulletin specified in this AD may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124.

A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Donald E. Gonder, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: The FAA has received a report of a fractured rack pin assembly which caused the crew

compartment overhead hatch to jam in the closed position. Examination of 1,006 uninstalled rack pin assemblies at Boeing revealed 176 assemblies with cracked pins or cracked tubular shanks. It is believed that the cracks were caused by incorrect manufacturing procedures. Inability to open the crew compartment overhead hatch would impede emergency evacuation of the airplane. This is particularly true of airplanes with only one upper deck crew service door for which the hatch is a required exit and no alternate escape route to the main deck is provided. Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection of the rack pin assemblies used on the crew compartment overhead hatch and replacement of those assemblies found cracked.

Since a situation exists which requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

BOEING: Applies to all Model 747 series airplanes, certificated in all categories, listed in Boeing Alert Service Bulletin No. 747-52A2180 Revision 1, or later FAA approved revision.

Compliance is required as indicated unless already accomplished.

To prevent jamming of the crew compartment overhead hatch, accomplish the following:

A. Within 90 days of the effective date of this AD, magnetic particle inspect Rack Pin Assemblies P/N's H759-47, -49, -51, -93 used on the crew compartment overhead hatch assemblies in accordance with Boeing Alert Service Bulletin No. 747-52A2180, Revision 1, or later FAA approved revisions.

B. Unless previously inspected, any Rack pin assemblies, P/N's H759-47, -49, -51, -93, installed after the effective date of this AD must be magnetic particle inspected prior to installation in accordance with Boeing Alert Service Bulletin No. 747-52A2180, Revision 1, or later FAA approved revisions.

C. Rack pin assemblies found to be crack free may be suitably identified as directed by Boeing Alert Service Bulletin No. 747-52A2180 Revision 1, or later FAA approved revisions and returned to service.

D. Rack pin assemblies found to be cracked are to be discarded.

E. Alternate means of compliance or other actions which provide an equivalent level of

safety may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

F. Aircraft may be ferried to a maintenance base for repair in accordance with FAR 21.197 and FAR 21.199.

The manufacturer's specification and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective July 28, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on July 8, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-20923 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-17]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Baton Rouge, Louisiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Baton Rouge, La. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the False River Airport, New Roads, La. This amendment is necessary to provide controlled airspace since a nondirectional radio beacon (NDB) is being installed approximately 5.5 miles south of the False River Airport and a review of the designated controlled airspace for aircraft executing instrument approach procedures to the Ryan Airport revealed it is not adequate.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On May 18, 1981, a notice of proposed rulemaking was published in the Federal Register (46 FR 27127) stating that the Federal Aviation Administration proposed to alter the Baton Rouge, La., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, October 1, 1981, as follows:

Baton Rouge, Louisiana

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Ryan Airport (latitude 30°31'57" N., longitude 91°08'59" W.), and within 4.5 miles each side of the northwest localizer course extending from the 9-mile radius area to 14 miles northwest of the airport; and within 4 miles north and 7 miles south of the northeast localizer course extending from the 9-mile radius area to 10.5 miles northeast of the airport; and within a 6.5-mile radius of the False River Airport (latitude 30°42'55" N., longitude 91°28'43" W.) and within 2 miles each side of 325° radial of the Baton Rouge

VORTAC extending from the 6.5-mile radius area to 10 miles southeast of the airport. (Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11033; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on July 8, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-20922 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-CE-22]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Designation of Transition Area—Kimball, Nebraska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Kimball, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Kimball, Nebraska, Municipal Airport, utilizing the Kimball Nondirectional Radio Beacon (NDB) as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: September 29, 1981.

FOR FURTHER INFORMATION CONTACT:

Don A. Peterson, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: An instrument approach procedure to the Kimball Municipal Airport, Kimball, Nebraska, is being established utilizing the Kimball NDB as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the designation of a

transition area at Kimball, Nebraska, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 26071 and 26072 of the Federal Register dated May 11, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Kimball, Nebraska. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), is amended effective 0901 GMT September 29, 1981, by adding the following new transition area:

Kimball, Nebraska

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Kimball Municipal Airport, Kimball, Nebraska, (latitude 41°11'20" N, longitude 103°40'11" W) and 3 miles either side of the 133° bearing of the Kimball NDB (latitude 41°11'30" N, longitude 103°40'09" W) extending from 6 miles to 8.5 miles southeast of the NDB.

Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on July 9, 1981.

John E. Shaw,
Acting Director, Central Region.

[FR Doc. 81-20925 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 239, 270, and 274

[Release Nos. 33-6326, IC-11850, AS-294, File No. S7-865]

Standardization of Financial Statement Requirements in Management Investment Company Registration Statements and Reports to Shareholders

Correction

In FR Doc. 81-20597 appearing at page 36120 in the issue for Tuesday, July 14, 1981, in the middle column on page 36120, the effective date paragraph should have read as follows:

EFFECTIVE DATE: Effective July 14, 1981 for filings with the Commission or transmissions to shareholders made by management investment companies after October 4, 1981.

BILLING CODE 1505-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2673

Termination for Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule prescribes the contents and procedures for a Notice of Termination which must be filed by terminated multiemployer plans under Title IV of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. The notice is needed because when a multiemployer plan terminates either by plan amendment or by mass withdrawal of employers, the PBGC may have to act to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the multiemployer insurance system. The effect of the rule is to enable the PBGC to obtain certain necessary information relating to the plan termination.

EFFECTIVE DATE: This part is effective on the later of 30 days after date of publication in the Federal Register or receipt of approval from the Office of

Management and Budget of the reporting requirements contained in this part, as required by the Paperwork Reduction Act (44 U.S.C., Chapter 35). Upon receipt of OMB approval, PBGC will publish announcement of that approval in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

James M. Graham, Office of the Executive Director, Policy and Planning (140), 2020 K Street, N.W., Washington, D.C. 20006; 202-254-4862.

SUPPLEMENTARY INFORMATION: The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208, (the "Multiemployer Act"), became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974. (The Act as amended is hereafter referred to as "ERISA".)

In the Multiemployer Act, Congress established new requirements governing the termination of multiemployer plans. Those requirements took effect on September 26, 1980 and are different from the rules that apply to single-employer plan terminations.

Under section 4041A(a) of ERISA, termination of a multiemployer plan occurs when (1) a plan amendment is adopted which either provides that participants will receive no credit for any purpose under the plan for service with any employer after a specified date, or causes the plan to become an individual account plan, or (2) every employer has either withdrawn from the plan (within the meaning of section 4203) or ceased to have an obligation to contribute to the plan. The situations described in (2) are said to constitute a "mass withdrawal" under ERISA.

In addition to the general rules defining withdrawal, section 4203 contains special rules in that regard for the construction, entertainment and trucking industries. There may be instances in those industries where no employer has technically withdrawn from the plan under the special rules of section 4203, but all the same the plan has terminated. This is because section 4041A(a)(2) provides that termination occurs when all employers cease to have an obligation to contribute to the plan. Thus, when that happens, a plan terminates even though employers may not have withdrawn for the purposes of section 4203.

Under section 4041A(f)(2) of ERISA, Congress authorized PBGC to establish reporting requirements for terminated multiemployer plans, which the PBGC considers appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable

loss to the PBGC. This regulation sets forth those requirements.

Section 2673.2(a) of the regulation provides that a Notice of Termination shall be filed with the PBGC by a terminated multiemployer plan when the plan has terminated either by plan amendment or by mass withdrawal. The PBGC has determined that this reporting requirement is appropriate to protect the interests of plan participants and beneficiaries and to prevent unreasonable loss to the PBGC.

In the case of termination by plan amendment, when a plan either ceases crediting of service by a specified date or changes to an individual account plan, the adoption of the amendment may indicate that the plan is experiencing financial difficulties. Potentially, that may prove adverse both for the interest of plan participants and the multiemployer insurance system. A plan that terminates pursuant to plan amendment must provide the PBGC with the basic information required under § 2673.3(a) of the rule. That section requires that the notice include only an identification of the plan, a copy of the plan's most recent Form 5500 and the date it terminated.

On the other hand, in the case of termination by mass employer withdrawal, all contributions to the plan will have ceased. Plan participants may be exposed to benefit cutbacks or suspensions under section 4281, and there may be problems involved in withdrawal liability reallocation under sections 4211 and 4219.

In that situation, it is important that the PBGC receive prompt notice of a termination as well as information on the plan's financial situation. Section 4041A(d) of ERISA provides that in the event of a mass withdrawal, benefits are subject to reduction or suspension in accordance with section 4281. The appointment of a trustee may be necessary. Section 4042(b)(2)(B) of ERISA expressly authorizes the PBGC to petition a Federal district court for the appointment of a trustee for any multiemployer plan which must reduce benefits under section 4041A(d). Pending the appointment, there could be a significant risk of loss to both plan participants and the multiemployer insurance program.

For those reasons, § 2673.3(b) of the regulation requires that a plan terminated by mass withdrawal provide information necessary for the PBGC to make an initial determination of the risk of loss to the insurance system and plan participants. To minimize the reporting burden on plans, § 2673.3(d) provides that any information that is contained in the plan's most recent Form 5500, which

is submitted as part of the notice, need not otherwise be duplicated in the submission to the PBGC.

Section 2673.3(b)(8) requires that, in the case of a mass withdrawal termination where plan assets are not sufficient to pay vested benefits, the notice include the name and address of any employer who contributed to the plan within three plan years prior to the date of termination. This information is necessary because the Act contains special rules on withdrawal liability which apply to any employer who withdraws either in a plan year in which substantially all employers withdraw or pursuant to an agreement among substantially all employers to withdraw from the plan. ERISA sections 4209(c) and 4219(c)(1)(D). Further, there is a rebuttable presumption that the withdrawal was pursuant to an agreement when all or substantially all employers withdraw from a plan within the three plan year period preceding the date of termination. ERISA sections 4209(d) and 4219(c)(1)(D). Therefore in order to calculate withdrawal liability under the Act, it may be necessary to have information on employers who contributed to the plan within such three year period.

The time for filing a notice (§ 2673.2(c) of the rule) is tied to the date of plan termination as established by section 4041A(b) of ERISA.

PBGC previously announced that multiemployer plans could file Form 5310 (Notice of Intent to Terminate) when that form was finalized. 44 FR 43405, 43407 (1979). This rule supersedes that instruction, and multiemployer plans will not use form 5310 to provide a notice of termination to the PBGC.

Under section 3(b) of Executive Order 12291, the Pension Benefit Guaranty Corporation has determined that this regulation is not a "major rule" for the purposes of the Order, because it will not have an annual effect on the economy of \$100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because this regulation deals only with matters of procedure, no general notice of proposed rulemaking is required. Further, since no general notice of proposed rulemaking is required, the Regulatory Flexibility Act of 1980 has no application to this regulation. (5 U.S.C. 601(2)).

In consideration of the foregoing, Chapter XXVI of Title 29, Code of Federal Regulations is amended by adding new Part 2673, as follows:

PART 2673—NOTICE OF TERMINATION FOR MULTIEMPLOYER PLANS

Sec.

- 2673.1 Purpose and scope.
- 2673.2 Requirement of notice.
- 2673.3 Contents of notice.
- 2673.4 Date of filing.

Authority: Secs. 4002(b)(3) and 4041A(f)(2), Pub. L. 93-406, as amended by secs. 403(1) and 103, Pub. L. 96-364, 94 Stat. 1208, 1302 and 1216 (1980) (29 U.S.C. 1302 and 1341a).

§ 2673.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to prescribe pursuant to section 4041A(f)(2) of the Act, for multiemployer plans the contents of and procedures for filing a Notice of Termination.

(b) *Scope.* This part applies to a termination of a multiemployer plan covered under section 4021(a) of the Act, when the plan has terminated:

(1) Pursuant to a plan amendment which either provides that participants will receive no credit for any purpose under the plan for service with any employer after a specified date, or causes the plan to become an individual account plan; or

(2) Because every employer has either withdrawn from the plan (within the meaning of section 4203 of the Act) or has ceased to have any obligation to contribute to the plan.

§ 2673.2 Requirement of notice.

(a) *General.* A Notice of Termination shall be filed with the PBGC by a multiemployer plan when a plan has terminated:

(1) Pursuant to a plan amendment which either provides that participants will receive no credit for any purpose under the plan for service with any employer after a specified date, or causes the plan to become an individual account plan; or

(2) Because every employer either has withdrawn from the plan (within the meaning of section 4203 of the Act) or has ceased to have any obligation to contribute to the plan.

(b) *Who shall file.* The plan sponsor or a duly authorized representative acting on behalf of the plan sponsor shall sign and file the Notice.

(c) *When to file.*

(1) For a termination pursuant to a plan amendment, the Notice shall be filed with the PBGC no later than thirty days after the date on which the amendment is adopted or thirty days

after the date on which the amendment takes effect, whichever is later.

(2) For a termination that results from a withdrawal of all employers, or a cessation of the obligation of all employers to contribute, the Notice shall be filed with the PBGC no later than thirty days after the date on which the last employer withdrew from the plan or thirty days after first day of the first plan year for which no employer contributions were required under the plan, whichever is earlier.

(d) *How and where to file.* The Notice may be sent by mail or submitted by hand during normal working hours to the Office of Program Operations, Division of Case Classification and Control (542), Pension Benefit Guaranty Corporation, Room 5300A, 2020 K Street, NW., Washington, D.C. 20006.

§ 2673.3 Contents of notice.

(a) *Information to be contained in notice.* Except to the extent provided in paragraph (d) of this section, each Notice shall contain:

- (1) The name of the plan;
- (2) The name, address and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any;
- (3) The name, address, and telephone number of the person who will administer the plan after the date of termination, if other than the plan sponsor;

(4) A copy of the plan's most recent Form 5500 (Annual Report Form), including schedules; and

(5) The date of termination of the plan.

(b) *Information to be contained in a notice involving a mass withdrawal.* In addition to the information contained in paragraph (a) and except as provided in paragraph (d), the following information shall be contained in a Notice filed by a plan which has terminated because every employer has either withdrawn from the plan or ceased to have an obligation to contribute to the plan.

(1) A copy of the plan document in effect 5 years prior to the date of termination and copies of any amendments adopted after that date.

(2) A copy (or copies) of the trust agreement (or agreements), if any, authorizing the plan sponsor to control and manage the operation and administration of the plan.

(3) A copy of the most recent actuarial statement and opinion (if any) relating to the plan.

(4) A statement of any material change in the assets or liabilities of the plan occurring after either the date of the actuarial statement referred to in item (5) or the date of the plan's Form 5500 submitted as part of the Notice.

(5) Complete copies of any letters of determination issued by the Internal Revenue Service relating to the establishment of the plan, any letters of determination relating to the disqualification of the plan and any subsequent requalification, and any letters of determination relating to the termination of the plan.

(6) A statement whether the plan assets will be able to pay all benefits in pay status during the 12-month period following the date of termination.

(7) If plan assets on hand are sufficient to satisfy all nonforfeitable benefits under the plan, and if the plan sponsor intends to distribute such assets, a brief description of the proposed method of distributing the plan assets.

(8) If plan assets on hand are not sufficient to satisfy all nonforfeitable benefits under the plan, the name and address of any employer who contributed to the plan within 3 plan years prior to the date of termination.

(c) *Certification.* As part of the Notice, the plan sponsor or duly authorized representatives shall certify that all information and documents submitted pursuant to this section are true and correct to the best of the plan sponsor's or representative's knowledge and belief.

(d) *Avoiding duplication.* Information described in paragraphs (a) and (b) of this section need not be supplied if it duplicates information contained in Form 5500 or a schedule thereof, which a plan submits as part of the Notice.

(e) *Additional information.* In addition to the information described in paragraphs (a) and (b) of this section, the PBGC may require the submission of any other information which the PBGC determines is necessary for review of a Notice of Termination.

§ 2673.4 Date of filing.

Any notice or document required to be filed under the provisions of this part shall be deemed filed on the date of the postmark stamped on the cover, in which the document is mailed, provided that:

- (a) The postmark was made by the United States Postal Service; and
- (b) The document was mailed postage prepaid, properly packaged and addressed to the PBGC.

If the conditions stated in both paragraphs (1) and (2) are not met, the document is considered filed on the date it is received by the PBGC. Documents received after regular business hours are considered filed on the next regular business day.

Issued at Washington, D.C. on this 1st day of July 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-21050 Filed 7-17-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-150]

Drawbridge Operation Regulations; Savannah River, Clio, Georgia

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Seaboard Coast Line Railroad Company, the Coast Guard is amending the regulations governing the operation of the Seaboard Coast Line Railroad Drawbridge across the Savannah River at Clio, Georgia, to require that the draw open on signal from 6:00 a.m. to 11:00 a.m., and from 12:00 noon to 3:00 p.m., and that the draw open at all other times if at least three hours notice is given. Radiotelephones will be installed in the bridge tender's house for waterborne communications. By granting this request, the Seaboard Coastline is relieved of the responsibility of providing full-time drawtenders while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on August 19, 1981.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Bridge Section (OAN), Room 1006, Federal Building, 51 Southwest First Avenue, Miami, Florida 33130, telephone: (305) 350-4108.

SUPPLEMENTARY INFORMATION: On 28 November 1980, the Coast Guard published a proposed rule (45 FR 79103) concerning this amendment. The Commander, Seventh Coast Guard District also published this proposal as a public notice dated 1 December 1980. Interested persons were given until 29 December 1980 and 2 January 1981, respectively, to submit comments.

Drafting Information

The principal persons involved in drafting this amendment are: Lieutenant (Junior Grade) Jane L. Hamilton, Bridge Administration Officer, Office of Aids to Navigation, and Lieutenant John M. Griesbaum, Office of Commander,

Seventh Coast Guard District, Legal Office.

Discussion of Comments

One letter was received which supported the proposal. The draw is presently required to open on signal at all times. This change is being made because there are limited requests for openings during the periods in which advance notice is required. From 1971 through 1979, an average of one draw opening occurred every three days from 3 p.m. to 6 a.m. The bridge owner has agreed to install and maintain radiotelephones at the bridge site and the dispatcher's office in Savannah.

A notice of proposed rulemaking concerning this amendment was first published on March 1, 1974 (39 FR 7948). This would have required 12 hours advance notice for openings from 11 a.m. to 12 a.m. and 3 p.m. to 6 p.m. Owing to substantial opposition from marine interests, the Coast Guard did not implement this proposal, but chose instead to monitor vessel traffic on the waterway to accumulate data on its usage. As a result, the advance notice requirement was reduced to three hours in the most recent proposal. This generated no opposition from marine interests. The bridge owner's obligation to provide radiotelephone communications should reduce any inconvenience to vessels resulting from the three hour advance notice requirement. This final rule represents a careful balancing of the needs of both rail and waterborne commerce. It is not anticipated to have any significant adverse economic impact.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since their impact is expected to be minimal. Because the notice of proposed rulemaking was issued before January 1, 1981, these regulations are exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act have been taken into consideration, and these regulations are not expected to have a significant economic effect on small entities.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (h)(12-a) immediately after paragraph (h)(12) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(h) * * *

(12-a) Savannah River, mile 60.9, Seaboard Coastline Railroad Bridge, Clio, Georgia. The draw shall open on signal from 6:00 a.m. to 11:00 a.m. and from 12:00 noon to 3:00 p.m. At all other times the draw shall open on signal if at least three hours notice is given. VHF radiotelephone communications will be maintained at the bridge tender's house and the dispatcher's office in Savannah, Georgia.

(33 U.S.C. 499, 49 U.S.C. 1655 (g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: June 22, 1981.

R. C. Branham,

Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

(FR Doc. 81-21178 Filed 7-17-81; 8:45 am)

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 692

State Student Incentive Grant Program

Correction

In FR Doc. 81-20716, appearing at page 36342, on Tuesday, July 14, 1981, in the first column, in the "EFFECTIVE DATE:" paragraph, in the third line "August 28, 1981," should be corrected to read "45 days after publication in the Federal Register."

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL-1846-7]

Revised Motor Vehicle Exhaust Emission Standards for Oxides of Nitrogen (NO_x) for 1982 Model Year Light-Duty Diesel Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation revises the oxides of nitrogen (NO_x) emission standard for 1982 model year light-duty vehicles belonging to a diesel engine family to be manufactured by General Motors Corporation (GM) for which I

have granted a waiver from the standard otherwise applicable under section 202(b)(6)(B) of the Clean Air Act, 42 U.S.C. 7521(b)(6)(B). I have determined that this GM engine family qualifies under the statutory criteria for waiver of the NO_x standard in model year 1982. Specifically, GM has demonstrated that a waiver is necessary for this engine family because the only available emission control technology with the potential for achieving sufficient NO_x reductions results in unacceptable engine wear. GM has also demonstrated that it meets the public health, fuel economy, and long-term air quality benefit criteria of the Act. This rule has the effect of setting an interim NO_x standard at the most stringent level that will still permit GM to market this diesel engine family in model year 1982.

EFFECTIVE DATE: August 19, 1981.

ADDRESS: Information relevant to this rule, and the decision document itself, are contained in Public Docket EN-81-4 at the Central Docket Section of the Environmental Protection Agency (EPA), Gallery I, 401 M Street, SW., Washington, D.C. 20460 and are available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, EPA may charge a reasonable fee for copying services. Interested parties may also obtain the decision document from the Manufacturers Operations Division by contacting Deborah Schloss as noted below.

FOR FURTHER INFORMATION CONTACT: Deborah Schloss, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(B) of the Clean Air Act (Act), 42 U.S.C. 7521(b)(1)(B), requires that regulations applicable to NO_x emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which provide that such emissions from vehicles or engines shall not exceed 1.0 gram per vehicle mile (g/mi).

Section 202(b)(6)(B) of the Act authorizes the Administrator, upon application by any manufacturer, to waive the statutory NO_x standard for the 1981 through 1984 model years for any class or category of light-duty diesel vehicles or engines for which the Administrator can make the required statutory findings. I must promulgate interim NO_x standards applicable to the subject light-duty diesel classes for those model years for which I have granted waivers.

General Motors Corporation (GM) has submitted a request for a waiver for one of its diesel engine families for the 1982-1984 model years. The statutory criteria, my determinations with respect to the vehicle models covered by the waiver application, and my decision on the waiver application for the 1982 model year only are available in the Public Docket and from the Manufacturers Operations Division as stated above. (I will consider GM's request for model years 1983 and 1984 in a subsequent decision.) In that decision, I grant a waiver covering the following engine family for the 1982 model year:

Manufacturer	Engine family (liters)
GM	4.3

Having decided to grant the waiver application, I am simultaneously promulgating regulations adopting emission standards not permitting NO_x emissions from 1982 model year vehicles of this engine family to exceed 1.5 g/mi. The public has received an opportunity to comment on the waiver application at issue, and I have considered those comments in making the decision which requires the promulgation of this rule. For this reason, I find that providing notice and an opportunity to comment on this rulemaking before final promulgation is impracticable and unnecessary.

Note.—Because the decision accompanying this rulemaking is based on a detailed analysis indicating this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

In addition, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim NO_x emission standard established by this rulemaking only directly affects GM, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it grants a waiver request for one model produced by one manufacturer, and is not likely to result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The applicant, GM, indicated that if EPA granted the waiver, it would be able to market its diesel frontwheel-drive vehicles. Granting this waiver averts losses for GM that might have resulted if the waiver were denied and GM could not market these vehicles. GM also stated that a waiver would enable it to improve its competitiveness with foreign vehicles that have traditionally dominated the high-fuel economy market, the market in which this model is intended to compete. This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Dated: July 12, 1981.

Anne M. Gorsuch,
Administrator.

40 CFR Part 86 is amended as follows:

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles, 1977 and Later Model Year New Light-Duty Trucks and 1977 and Later Model Year New Heavy-Duty Engines

40 CFR 86.082-8(a)(1)(iii), is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 model year light-duty vehicles.

(a) * * *

(1) * * *

(iii) Oxides of nitrogen—1.0 grams per vehicle mile, except that: (A) oxides of nitrogen emissions from 1982 model year light-duty vehicles manufactured by American Motors Corporation shall not exceed 2.0 grams per vehicle mile; (B) oxides of nitrogen emissions from light-duty diesel vehicles of the following 1982 model year engine families shall not exceed the prescribed levels:

Manufacturer	Engine family	Standard (g/mi)
General Motors Corp.	5.7 liter (L)	1.5
	1.8L	1.5
	4.3L	1.5
Daimler-Benz AG	2.4L	1.25
	3.0L naturally aspirated (NA)	1.5
	3.0L turbocharged (TC)	1.5
AB Volvo	2.4L NA	1.5
Peugeot	2.3L-TC-XD2S	1.5
Volkswagen AG	1.6L-NA-2250 pound inertia weight class (I.W.)	1.3
	2.0L-NA-3000 I.W.	1.5
	1.6L-TC-2250 I.W.	1.3
	1.6L-TC-2500 I.W.	1.4
	2.0L-TC-3000 I.W.	1.5

Manufacturer	Engine family	Standard (g/mi)
Nissan Motor Company	1.6L-NA-2750 I.W.	1.4
	1.6L-NA-2500 I.W.	1.4
	1.6L-TC-2750 I.W.	1.4
	2.8L	1.5
Isuzu Motors Ltd.	1.8L	1.5

(Secs. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521, 7601(a) (Supp. I 1977))

[FR Doc. 81-21110 Filed 7-17-81; 8:45 am]

BILLING CODE 6560-33-M

40 CFR Part 180

[PP 1E2479/R336; PH-FRL-1887-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; S-Propyl Dipropylthiocarbamate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide S-Propyl dipropylthiocarbamate in or on the raw agricultural commodity peanut hulls at 0.1 part per million (ppm). This regulation was requested by Stauffer Chemical Co. This regulation will establish the maximum permissible level for residues of S-Propyl dipropylthiocarbamate in or on peanut hulls.

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Written objection may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of May 22, 1981 (46 FR 27974) that Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804 had submitted a pesticide petition (1E2479) to the EPA. The petition proposed that the Administrator, establish a tolerance for the herbicide S-Propyl dipropylthiocarbamate in or peanut hulls at 0.1 part per million.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated. Tolerances of 0.1 part per million on peanuts, peanut forage, and peanut hay were established in August 1967. Elanco Product Company has submitted an amendment to EPA to add the application of a tank mix of trifluralin and S-Propyl dipropylthiocarbamate to peanuts in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Both pesticides are registered for individual application to peanuts. During the review of this application it was determined that a tolerance for residues of S-Propyl dipropylthiocarbamate in peanut hulls would be required to cover expected residues in that commodity. A related document (PP 1E2480/R337) establishing a tolerance in peanut hulls for trifluralin appears elsewhere in this issue of the Federal Register.

Peanut hulls are an animal feed item. Since no detectable residues are expected in peanuts from the registered uses, there is no expectation of residues in meat, milk, poultry, or eggs. Therefore, there will not be an increased exposure to humans.

The metabolism of S-Propyl dipropylthiocarbamate is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. Tolerances have previously been established for residues of S-Propyl dipropylthiocarbamate at 0.1 ppm in a variety of commodities. Thus, based on the above information, it is concluded that the tolerance of 0.1 ppm in or on peanut hulls will protect the public health.

Any person adversely affected by this regulation may, on or before August 19, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: July 20, 1981.

(Sec. 408(e) 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: July 6, 1981.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.240 is revised to read as follows:

§ 180.240 S-Propyl dipropylthiocarbamate; tolerances for residues.

Tolerances are established for the herbicide S-Propyl dipropylthiocarbamate in or on the following raw agricultural commodities:

Commodities	Parts per million
Corn, fodder	0.1
Corn, forage	0.1
Corn, fresh (inc. sweet) (K-CWHFR)	0.1
Corn, grain	0.1
Peanuts	0.1
Peanut, forage	0.1
Peanut, hay	0.1
Peanut, hulls	0.1
Potatoes	0.1
Soybeans	0.1
Soybean, forage	0.1
Soybean, hay	0.1
Sweet potatoes	0.1

(FR Doc. 81-21085 Filed 7-17-81; 8:45 am)

BILLING CODE 6560-32-M

40 CFR Part 180

[PP 1E2480/R337; PH-FRL-1886-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Trifluralin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide and plant growth regulator trifluralin in or on the raw agricultural commodity peanut hulls at 0.1 part per million (ppm). This regulation was requested by Elanco Products Co. This regulation will establish the maximum permissible level for residues of trifluralin in or on peanut hulls.

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of May 22, 1981 (46 FR 27975) that Elanco Products Co., a Division of Eli Lilly and Co., PO Box 1750, Indianapolis, IN 46206 had submitted a pesticide petition (1E2480) to the EPA. The petition proposed that the Administrator, propose a tolerance for the herbicide and plant growth regulator trifluralin (alpha, alpha, alpha-trifluoro-2,6-dinitro-N, N-dipropyl-p-toluidine) in or on the raw agricultural commodity peanut hulls at 0.1 ppm.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated. A tolerance of 0.05 ppm in or on peanuts for trifluralin was established on March 8, 1968. The petitioner has submitted an amendment to EPA to add an application of tank mix of trifluralin and S-Propyl dipropylthiocarbamate to peanuts in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Both pesticides are registered for individual application to peanuts. During a review of this application it was determined that a tolerance for residues of trifluralin in peanut hulls would be required to cover expected residues in that commodity. A related document (PP 1E2479/R336) establishing a tolerance for S-Propyl dipropylthiocarbamate in or on peanut hulls appears elsewhere in this issue of the Federal Register.

Peanut hulls are an animal feed item. Since no detectable residues are expected in peanuts from the registered uses, there is no expectation of residues in meat, milk, poultry, or eggs. Therefore, there will not be an increased exposure for humans.

The metabolism of trifluralin is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. Tolerances have previously been established for residues of trifluralin

ranging from 0.05 ppm to 2.0 ppm in a variety of raw agricultural commodities. Thus, based on the above information it is concluded that the tolerance of 0.1 ppm in or on peanut hulls will protect the public health, and the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before August 19, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

Effective on: July 20, 1981.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: July 6, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.207 is amended by alphabetically inserting the raw agricultural commodity "peanut, hulls" to read as follows:

§ 180.207 Trifluralin; tolerances for residues.

Commodity	Part per million
Peanut, hulls	0.1

[FR Doc. 81-21109 Filed 7-17-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3100

Oil and Gas Leasing; Noncompetitive Leasing of Acquired Military Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Lifting of moratorium.

SUMMARY: The Department of the Interior is partially lifting its November 1, 1979 moratorium on the issuance of noncompetitive oil and gas leases for Federal lands acquired for military or naval purposes, and on the receipt of applications for such leases. The lifting of moratorium applies to all such lands except those lands in which applications were filed prior to September 21, 1978. Those lands remain under the moratorium.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Jeffrey Zabler, Division of Onshore Energy Resources, Bureau of Land Management, (202) 343-7722.

SUPPLEMENTARY INFORMATION: On November 1, 1979, a moratorium was imposed on the issuance of noncompetitive oil and gas leases for the approximately 6.6 million acres of Federal land acquired for military or naval purposes. 44 FR 64085 (November 6, 1979). Consistent with that moratorium, the application of 43 CFR Part 3110 to such lands was suspended and no noncompetitive lease applications were accepted for such lands. That moratorium is hereby rescinded and, accordingly, the applicability of 43 CFR Part 3110 to all acquired military lands, except those for which applications were filed prior to September 21, 1978, is restored as of August 10, 1981. Processing of all lease applications for such lands filed on or after September 21, 1978, and before November 1, 1979, will resume immediately.

All military lands on which there are applications filed prior to September 21, 1978, will remain under moratorium. Descriptions of those lands under such applications will be posted at the State offices of the BLM which have jurisdiction. Arrangements may be made with the appropriate BLM State office for obtaining copies of the lists at cost.

Over-the-counter oil and gas lease applications may be accepted for filing beginning with the start of business of Monday, August 10, 1981. For the first fifteen working days, until close of business on Friday, August 28, 1981, all such applications received in the proper

Bureau of Land Management State office (see 43 CFR 1821.2-1) shall be considered as simultaneously filed as of the close of business on August 28, 1981. Priority, to the extent of conflicts between offers, shall be determined by public drawings.

During the simultaneous filing period, the provisions of 43 CFR 3112.6-1(c), which prohibit multiple filings in the simultaneous oil and gas leasing program, will be fully applicable to the filing of over-the-counter offers for acquired military lands. However, during this filing period, individuals and entities which filed a lease offer on or after September 21, 1978, and before November 1, 1979, are entitled to submit a new offer for the same land without violating this regulation.

Envelopes containing applications for these lands should be prominently marked "Acquired Military Land Lease offer." Envelopes so marked shall not be opened until the close of the filing period on August 28, 1981.

Garrey E. Carruthers,

Assistant Secretary for Land and Water Resources.

July 14, 1981.

[FR Doc. 81-21135 Filed 7-17-81; 8:45 am]

BILLING CODE 4310-64-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 191 and 192

[Amdt. 191-3 and 192-38; Docket PS-68]

Transportation of Natural and Other Gas by Pipeline; Reports of Leaks and Federal Safety Standards

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the natural gas leak reporting requirements for pipeline companies of Part 191 by changing the addressee for written reports, and also amends Part 192 by deleting the requirements of § 192.17. Filing of inspection and maintenance plans, to reflect an amendment to the Natural Gas Pipeline Safety Act of 1968 (NGPSA) made by section 105 of the Pipeline Safety Act of 1979 (Pub. L. 96-129, November 30, 1979).

DATE: Effective date of this final rule is July 20, 1981.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, Chief, Standards Division, Office of Pipeline Safety Regulation.

Department of Transportation,
Washington, D.C. 20590 (202) 426-2392.

SUPPLEMENTARY INFORMATION:

Leak Reporting

In § 191.7, the addressee for written reports required by Part 191 is the "Director, Office of Pipeline Safety." To comport with current DOT organization responsibilities, the addressee for such written reports is changed to "Chief, Information Systems, Division, Transportation Programs Bureau". This new addressee is also to be used to obtain copies of report forms. Section 191.19, Report Forms, is amended accordingly.

Further, a correction in the reporting form number shown in § 191.9(a) is made.

Inspection and Maintenance Plans

While the Pipeline Safety Act of 1979 left intact the NGPSA requirement for operators of gas pipeline facilities to prepare, maintain, and carry out plans for inspection and maintenance of their facilities, § 105 of the Act deleted the requirement for the filing of such plans

with Federal or State agencies. For this reason, § 192.17, which to this time sets out the requirement and procedures for filing of inspection and maintenance plans, is deleted by this final rule.

Because of the deletion of § 192.17, MTB gives notice by this final rule that—

1. Operator compliance with existing §§ 192.603(b) and 192.605 regarding the establishment, administration, and essentials of operating and maintenance plans will be viewed by MTB as the means of complying with the NGPSA requirements for the preparation, maintenance, and carrying out of inspection and maintenance plans for gas pipeline facilities.

2. MTB will follow the procedures established by Section 13 of the NGPSA for requiring revisions to operator plans established under §§ 192.603(b) and 192.605 of the regulations.

In consideration of the foregoing, Parts 191 and 192 of Title 49, Code of Federal Regulations are amended as follows:

§ 191.7 [Amended]

1. By removing from § 191.7, each place that it appears, the words, "Director, Office of Pipeline Safety" and inserting in lieu thereof "Chief, Information Systems Division, Transportation Programs Bureau".

§ 191.9 [Amended]

2. In § 191.9(a), the form number "7100.2" is corrected to read "7100.1".

3. By removing from § 191.19 the words "Office of Pipeline Safety" and inserting in lieu thereof "address given in § 191.7".

§ 192.17 [Removed]

4. By removing and reserving § 192.17 from the table of sections and Subpart A of Part 192.

(49 U.S.C. 1671 et seq.; 49 U.S.C. 1804; 49 CFR 1.53 and Appendix A to Part 1)

Issued in Washington, D.C., on January 28, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-21301 Filed 7-17-81; 8:57 am]

BILLING CODE 4910-60-M

Proposed Rules

Federal Register

Vol. 46, No. 138

Monday, July 20, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 3015

Uniform Federal Assistance Regulations

AGENCY: Department of Agriculture (USDA).

ACTION: Proposed rules.

SUMMARY: This proposes to replace USDA's individual agency regulations on administration of grants and cooperative agreements through issuance of Department-wide policies and standards. Issuances of these regulations will effect uniformity in policy and standardization of guidance for all USDA Agencies providing assistance through grants and cooperative agreements and will eliminate the confusion, duplication, and complexity of the existing assistance systems and regulations now in place. Additionally, this proposes to implement the audit requirement governing State and local governments and Indian Tribal governments that are recipients of Federal assistance.

DATE: Comments must be received on or before September 3, 1981.

ADDRESS: Send comments to Peter Ben Ezra, Department of Agriculture, Office of Operations and Finance, Accounting Systems and Grants Management Division, Room 3200, Auditors Building, 14th and Independence Ave., S.W., Washington, D.C. 20250. The public may review the comments received in Room 3200 from 8:30 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Larry Wilson, Deputy Director, Finance, Office of Operations and Finance, USDA, Room 131-W, Administration Building, Washington, D.C. 20250. (Telephone (202) 447-7161.)

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed

under Executive Order 12291 and it has been determined that this is not a major rule. Although this proposal will directly affect recipients of Federal assistance from agencies administered by the Department of Agriculture, this proposal does not involve a substantial issue of fact or law, and it is unlikely to have a substantial or major impact on the Nation's economy or large numbers of individuals or businesses. There will be no major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Additionally, it will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Public Law 96-354 (5 U.S.C. 601). This determination is based on the fact that these proposed rules publicly implement the policies already published by the Office of Management and Budget (OMB) in Circulars A-102, A-110, A-87, A-21 and A-122, as well as OMB Guidance or Implementation of the Federal Grant and Cooperative Agreement Act of 1977 (43 FR 36860, August 18, 1978). In addition, USDA Federal assistance will be provided to recipients pursuant to the authorities and restrictions in program statutes and USDA authorizations and appropriations acts. However, since this proposal would establish USDA-wide policy and guidance relating to grants and cooperative agreements, it has been determined that a 45-day comment period is warranted. This will give commentors time to evaluate and assess the merits of this proposal.

Background

Public Law 95-224, the "Federal Grant and Cooperative Agreement Act of 1977", and the implementing guidance and study issued by OMB, underline the need for providing uniform policy and standardization of guidance for all assistance programs administered within the Department. In line with the recommendations in the study report of Pub. L. 95-224, on June 30, 1980, a Presidential memorandum assigned to OMB the responsibility for establishing and directing a program to improve Federal assistance management. That memorandum also directed the Heads of Executive Departments and Selected

Agencies to (1) fully cooperate with the Director of OMB; (2) designate an official or unit to act as a focal point for coordinating internal assistance-related policies and procedures, and to work with other agencies and the public; and (3) ensure that the management of assistance programs meets the performance standards to be developed by OMB.

On July 29, 1980, the Secretary of Agriculture responded to this Presidential directive by designating the Assistant Secretary for Administration as the USDA focal point for coordinating internal assistance related policies and procedures, and to work with other agencies and the public. The Deputy Director, Finance, has been designated the internal coordinator for the daily operations dealing with USDA assistance programs.

Consolidation of this responsibility into one USDA organizational unit will eliminate the confusion, duplication, and complexity now found in the individual agency systems and regulations. USDA is legally responsible for approximately 100 Federal assistance programs. All of these programs and related activities are the result of specific authorizations and funding regulations. There are at least 59 general Federal policies and administrative requirements that apply to these programs on a broad but selective basis. USDA programs cover a broad spectrum of activities, encompassing direct payments, grants, cooperative agreements, subsidies, loans, loan guarantees, insurance, services, information, and property donation. In the past, policy has been to direct agencies, through internal administrative regulations, to implement USDA, OMB, and other guidance agencies' policies and directives through issuance of individual agency assistance regulations or directives. Thirteen (13) USDA Agencies currently issue Federal assistance regulations or directives covering each of their programs.

Additionally, the Inspector General Act of 1978 (Public Law 95-452) places all responsibility for audits with the Inspector General. Therefore, the audit requirements set forth in subpart I implement Attachment P of Circular A-102 and are applicable to all Federal assistance provided by USDA agencies to State and local governments and

Indian Tribal governments. Attachment P requires that all such entities that are recipients of Federal assistance have an organization-wide financial and compliance audit at least once every two years. The audits are to be performed by independent State or local government auditors or independent public accountants, under arrangements by the recipients. It is intended that a single audit of each of these entities will meet the needs of all parties concerned and that no additional requirements to perform or obtain audits be placed upon the recipients, except as prescribed by law. The audits are to be performed in accordance with a standard guide published by the General Accounting Office, compliance supplements approved by OMB, and audit standards established by the Comptroller General and American Institute of Certified Public Accountants. Attachment P also establishes a cognizant audit agency structure. This means that each State department, local government, Indian Tribal government, or subdivision of such entities, that receives Federal assistance, is assigned to a Federal audit agency which will act on behalf of all Federal audit agencies in dealing with the audit requirements of Circular A-102 concerning a specific recipient organization. Attachment P does not limit authority of Federal agencies to make additional audits of recipient organizations as they deem necessary.

Purpose

This proposal will standardize Federal assistance policy USDA-wide. This part contains regulations that apply to almost all of USDA's grants and cooperative agreements. Part 3015 primarily implements OMB Circulars A-102 and A-110, which are two of the most important OMB Circulars for standardizing grants and cooperative agreements, and specifies the principles for determining allowable costs under USDA grants and cooperative agreements. Additionally, this part establishes uniform audit requirements and policy for State and local governments and Indian Tribal governments that receive Federal assistance from USDA, in accordance with Attachment P of Circular A-102.

Benefits Derived From Using Part 3015

1. Increased public participation in USDA-wide policies and guidance.
2. Rather than having each USDA awarding agency issue its own implementation of policies, Part 3015 should be a much faster and more efficient way of putting a new policy into effect. Organizations that receive grants or cooperative agreements from

more than one USDA awarding agency should particularly benefit because the policies in Part 3015 take effect on the same day for all USDA affected programs. Additionally, newly established USDA programs should be able to start operations sooner and with less cost because most of the grants and cooperative agreements administration policies they will need to apply will already have been legally promulgated.

3. Consolidating USDA-wide policies in Part 3015 will reduce, and in many cases, eliminate the need for individual program regulations and directives to implement USDA-wide Federal assistance policies. This reduces the total amount of material recipients and applicants must contend with.

4. Each agency in USDA now implements Federal assistance policies separately. This sometimes results in misinterpretations and unnecessary differences in the ultimate rules that apply to recipients and applicants. In contrast, if we consolidate Federal assistance policies in Part 3015, the policies apply directly. Most of the policies would require little, or no further implementation, in individual USDA agency regulations or directives. This would ensure more uniformity in the application of Federal assistance policies.

5. Part 3015 will be a readily available document of public record where all interested parties can find the great majority of the administrative rules for USDA grants, cooperative agreements, and subgrants.

6. Improvements in audit of Federally assisted programs.

7. Improved audit coordination and increased reliance on audits made by State or local governments.

8. Requirements to insure that audits are made on an organization-wide basis rather than a grant-by-grant basis for Federal assistance provided to State and local governments and Indian Tribal governments.

Matters on Which Comments Are Invited

USDA invites comments on:

—Its proposal to consolidate Federal assistance policies and directives applicable to all USDA grants and cooperative agreements into Part 3015.

—The manner in which the proposed rules are expressed.

—Specific policies which should be expanded upon or included in this proposal.

The address and deadline for submitting comments are in the opening sections of this preamble.

John Schrote,
Deputy Assistant Secretary for
Administration.

Approved: July 15, 1981.

Richard E. Lyng,
Deputy Secretary of Agriculture.

Accordingly, the Department of Agriculture proposes a new Part 3015 of Title 7 of the Code of Federal Regulations as follows:

PART 3015—UNIFORM FEDERAL ASSISTANCE REGULATIONS

Subpart A—General

- Sec.
- 3015.1 Purpose and scope of this part.
 - 3015.2 Applicability.
 - 3015.3 Conflicting policies and deviations.
 - 3015.4 Special restrictive terms.

Subpart B—Cash Depositories

- 3015.10 Physical segregation and eligibility.
- 3015.11 Separate bank accounts.
- 3015.12 Moneys advanced to recipients.
- 3015.13 Minority and women owned banks.

Subpart C—Bonding and Insurance

- 3015.15 General.
- 3015.16 Construction and facility improvement.
- 3015.17 Fidelity bonds.
- 3015.18 Source of bonds.

Subpart D—Record Retention and Access Requirements

- 3015.20 Applicability.
- 3015.21 Retention period.
- 3015.22 Starting date of retention period.
- 3015.23 Microfilm.
- 3015.24 Access to records.
- 3015.25 Restrictions to public access.

Subpart E—Waiver of "Single" State Agency Requirements

- 3015.30 Waiver of "single" State agency requirements.

Subpart F—Grant Related Income

- 3015.40 Scope.
- 3015.41 General program income.
- 3015.42 Proceeds from sale of real property and from sale of equipment and supplies acquired for use.
- 3015.43 Royalties and other income from a copyrighted work.
- 3015.44 Royalties or equivalent income earned from patents or from inventions.
- 3015.45 Other program income.
- 3015.46 Interest earned on advances of grant funds.

Subpart G—Cost-Sharing or Matching

- 3015.50 Scope.
- 3015.51 Acceptable contributions and costs.
- 3015.52 Qualifications and exceptions.
- 3015.53 Valuation of donated services.
- 3015.54 Valuation of donated supplies and loaned equipment or space.
- 3015.55 Valuation of donated equipment, buildings, and land.
- 3015.56 Appraisal of real property.

Subpart H—Standards for Financial Management Systems

Sec.

- 3015.60 Scope.
3015.61 Financial management standard.

Subpart I—Audits

- 3015.70 Audits of State, local, and Indian Tribal governments.
3015.71 Definitions.
3015.72 Authority.
3015.73 Audit arrangement and requirements.
3015.74 Scope of audit tests.
3015.75 Reporting requirements.
3015.76 Subrecipient standards.
3015.77 OIG cognizant agency responsibilities.
3015.78 [Reserved]
3015.79 Audits of institutions of higher education, hospitals, and other nonprofit organizations.

Subpart J—Financial Reporting Requirements

- 3015.80 Scope and applicability.
3015.81 General.
3015.82 Financial status report.
3015.83 Federal cash transactions report.
3015.84 Request for advance or reimbursement.
3015.85 Outlay report and request for reimbursement for construction programs.

Subpart K—Monitoring and Reporting Program Performance

- 3015.90 Scope.
3015.91 Monitoring by recipients.
3015.92 Performance reports.
3015.93 Significant developments.
3015.94 Site visits.
3015.95 Waivers, extensions and enforcement actions.

Subpart L—Payment Requirements

- 3015.100 Scope.
3015.101 General.
3015.102 Payment methods.
3015.103 Withholding payments.
3015.104 Requesting advances or reimbursements.
3015.105 Payments to subrecipients.

Subpart M—Programmatic Changes and Budget Revisions

- 3015.110 Scope and applicability.
3015.111 Cost principles.
3015.112 Approval procedures.
3015.113 Programmatic changes.
3015.114 Budgets—General.
3015.115 Budget revisions.
3015.116 Construction and nonconstruction under the same grant, subgrant, or cooperative agreement.

Subpart N—Grant and Subgrant Closeout, Suspension and Termination

- 3015.120 Closeout.
3015.121 Amounts payable to the Federal government.
3015.122 Violation of terms.
3015.123 Suspension.
3015.124 Termination.
3015.125 Applicability to subgrants.

Subpart O [Reserved]

- 3015.130 [Reserved]

Subpart P [Reserved]

- 3015.140 [Reserved]

Subpart Q—Application for Federal Assistance

- 3015.150 Scope and applicability.
3015.151 Authorized forms.
3015.152 Preapplication for Federal assistance.
3015.153 Notice of preapplication review action.
3015.154 Application for Federal assistance (non-construction programs).
3015.155 Application for Federal Assistance (construction programs).
3015.156 Application for Federal Assistance (short form).
3015.157 Authorized form for non-governmental organizations.

Subpart R—Property

- 3015.160 Scope and applicability.
3015.161 Additional requirements.
3015.162 Title to real property, equipment and supplies.
3015.163 Real property.
3015.164 Statutory exemptions for equipment and supplies.
3015.165 Rights to require transfer of equipment.
3015.166 Use of equipment.
3015.167 Replacement of equipment.
3015.168 Disposal of equipment.
3015.169 Equipment management requirements.
3015.170 Damage, loss or theft of equipment.
3015.171 Unused Supplies.
3015.172 Federal share of real property, equipment and supplies.
3015.173 Using or returning the Federal share.
3015.174 Subrecipient's share.
3015.175 Intangible personal property.

Subpart S—Procurement

- 3015.180 Scope and applicability.
3015.181 Standards of conduct.
3015.182 Open and free competition.
3015.183 Access to contractor records.
3015.184 Equal employment opportunity.

Subpart T—Cost Principles

- 3015.190 Scope.
3015.191 Governments.
3015.192 Institutions of higher education.
3015.193 Other non-profit organizations.
3015.194 For-profit organizations.
3015.195 Subgrants and cost-type contracts.
3015.196 Costs allowable with approval.

Subpart U—Miscellaneous

- 3015.200 Acknowledgement of support on publications and audiovisuals.
3015.201 Use of consultants.
3015.202 Limits on total payments to the recipient.
3015.203 OMB Circular A-95.
3015.204 Federal Register publications.
Appendix A—Definitions.

Authority: 5 U.S.C. 301.

Subpart A—General**§ 3015.1 Purpose and scope of this part.**

(a) This part establishes USDA-wide uniform requirements for the

administration of grants and cooperative agreements and sets forth the principles for determining costs applicable to activities assisted by USDA grants and cooperative agreements. This part contains rules that apply to almost all of USDA's grants and cooperative agreements. It primarily implements OMB Circulars A-102 and A-110, which are two of the Office of Management and Budget's (OMB) most important Circulars for standardizing the administration of grants and cooperative agreements and specifies the set of principles for determining allowable costs under USDA grants and cooperative agreements as set forth in OMB Circulars A-87, A-21, and A-122. Additionally, this part establishes uniform audit requirements and policy for State and local governments and Indian Tribal governments that receive Federal assistance from USDA.

(b) These rules supersede and take precedence over any individual USDA agency regulations and directives dealing with the administration of grants and cooperative agreements to the extent such regulations and directives are inconsistent with this part, unless such inconsistency is based on a statutory provision or an exemption has been obtained from OMB. Definitions for the terms used in this part are set forth in Appendix A. Definitions for the implementation of standard audit requirements for State and local governments and Indian Tribal governments are contained in subpart I—Audits.

(c) The purpose of this part is to simplify, standardize, and improve the administration of USDA grants and cooperative agreements.

(d) Responsibility for developing the material for this part and in keeping it up-to-date is assigned to the Office of the Deputy Director, Finance, a component of the Office of Operations and Finance (O&F), which reports to the Assistant Secretary for Administration.

§ 3015.2 Applicability.

(a) *Grants and cooperative agreements.* This part applies to USDA grants and cooperative agreements. For each substantive provision in this part, either the words of the provision itself or other words in the same subpart tell whether the provision applies to subgrants. Exemptions to this part may be applicable to certain kinds of recipients. (See paragraph (d) of this section.)

(b) *Terminology applicable to this part.* This part's substantive rules are the same for grants and cooperative agreements. Many of the rules are also

the same for subgrants. Therefore, certain simplified terminology is used in the text. Specifically in all portions of this part:

(1) Each provision that applies to "grants" also applies to "cooperative agreements," even though the latter term does not appear in the provisions.

(2) Each provision that applies to "recipients of a grants" applies to "recipients of cooperative agreements," even though the latter term does not appear in the provision.

(3) The term "recipient" refers equally to recipients of grants and recipients of cooperative agreements.

(4) The term "awarding agency" refers equally to a USDA agency that awards a grant and to one that awards a cooperative agreement.

(5) The term "subgrant" refers equally to certain awards under grants and to the same kinds of awards under cooperative agreements.

(c) *Public institutions of higher education and hospitals.* Grants, cooperative agreements and subgrants awarded to institutions of higher education and hospitals operated by a government are subject only to the provisions of this part that apply to non-governmental organizations.

(d) *Recipients to which this part does not automatically apply.* This part does not apply to the kinds of recipients listed below unless other conditions set forth in the grant, cooperative agreement, or subgrant make all or specified portions apply:

- (1) foreign governments or organizations,
- (2) international organizations, such as the United Nations,
- (3) agencies or instrumentalities of the Federal government, and
- (4) individuals.

(e) *Collaborative arrangements.* (1) Where permitted by the terms of the award, a recipient may enter into collaborative arrangements with other organizations to jointly carry out activities with grant or cooperative agreement funds. In this kind of situation, the arrangement between the recipient and each collaborating organization is subject to the rules in this part that apply to subgrants awarded by the recipients.

(2) This paragraph (e) does not apply to arrangements where the organizations receive an award jointly. In this case, they are not a recipient and subrecipient but, as the award notice states, joint recipients.

§ 3015.3 Conflicting policies and deviations.

(a) *Statutory provisions.* Federal statutes that apply to some USDA grant

programs may contain provisions that conflict with this part. Those statutory provisions take precedence over this part.

(b) *Nonstatutory provisions.* USDA awarding agencies occasionally develop grant provisions that are inconsistent with this part. USDA attempts to keep these provisions to a minimum by internal procedures that require these provisions to be justified to appropriate officials of USDA and OMB. If the conflicting provisions are of long-term and general applicability, O&F may require that the awarding agency (1) publish the conflicting provision as a notice in the Federal Register and (2) give the public an opportunity to comment before making the regulations final.

(c) *Nonstatutory provisions-subgrants.* If a provision of a subgrant conflicts with this part, the recipient is considered as violating the provisions of the grant, unless the subgrant provision is authorized in writing, by the awarding agency.

§ 3015.4 Special restrictive terms.

(a) Occasionally an awarding agency, or a recipient awarding a subgrant, may find that a particular recipient:

- (1) Is financially unstable,
- (2) Has a history of poor performance, or
- (3) Has a management system that does not meet the standards in this part.

In these cases the awarding agency may impose special conditions that are more restrictive than otherwise permitted by this part. If so, the awarding agency must tell the recipient in writing why it is imposing the special conditions and what corrective action is needed.

(b) When an awarding agency imposes a special grant condition under paragraph (a) of this section, the awarding agency, through O&F, shall notify OMB and other interested parties.

(c) When a recipient imposes a special restrictive subgrant condition under paragraph (a) of this section, it must notify the awarding agency, giving full particulars. The awarding agency, through O&F, shall then notify OMB and other interested parties.

(d) A special restrictive grant or subgrant condition under paragraph (a) of this section is considered consistent with this part.

Subpart B—Cash Depositories

§ 3015.10 Physical segregation and eligibility.

Except as provided in section 3015.11, awarding agencies shall not impose grant or subgrant conditions which:

(a) Require the recipient to use a separate bank account for the deposit of grant or subgrant funds, or

(b) Establish any eligibility requirements for banks or other financial institutions in which recipients deposit grant or subgrant funds.

§ 3015.11 Separate bank accounts.

A separate bank account shall be required when applicable letter of credit agreements provide that funds will not be drawn until the recipient's checks are presented to the bank for payment.

§ 3015.12 Moneys advanced to recipients.

Any moneys [public moneys as defined in Treasury Circular 176, as amended], advanced to recipients which are subject to the control or regulation of the United States or any of its officers, agents, or employees must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage and the balance exceeding the FDIC coverage must be collaterally secured.

§ 3015.13 Minority and women-owned banks.

Consistent with the national goal of expanding opportunities for minority business enterprises, recipients, and subrecipients are encouraged to use minority and women-owned banks. Upon request, awarding agencies will furnish a listing of minority and women-owned banks to recipients.

Subpart C—Bonding and Insurance

§ 3015.15 General.

In administering grants, subgrants, and cooperative agreements, recipients shall observe their regular requirements and practices with respect to bonding and insurance. No additional bonding and insurance requirements, including fidelity bonds, shall be imposed by the provisions of the grant, subgrant, or cooperative agreement except as provided in §§ 3015.16 through 3015.18.

§ 3015.16 Construction and facility improvement

(a) *Scope.* This section covers requirements for bid guarantees, performance bonds, and payment bonds when the recipient will contract or subcontract for construction or facility improvement (including alterations and renovations of real property) under a grant or subgrant.

(b) *Bids and contracts or subcontracts of \$100,000 or less.* Unless otherwise required by law, the recipient shall follow its own requirements and practices relating to bid guarantees, performance bonds, and payment bonds.

(c) *Bids and contracts or subcontracts exceeding \$100,000.* Unless otherwise required by law, the recipient may follow its own regular policy and requirements if the USDA awarding agency has decided that the Federal government's interest will be adequately protected. If this decision has not been made, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to 5 percent of the bid price;

(2) a performance bond on the part of the contractor for 100 percent of the contract price; and

(3) A payment bond on the part of the contractor for 100 percent of the contract price.

§ 3015.17 Fidelity bonds.

(a) If the recipient is not a unit of government, the awarding agency may require the recipient to carry adequate fidelity bond coverage where the absence of coverage for the grant-supported activity is considered as creating an unacceptable risk.

(b) If the subrecipient is not a unit of government, the awarding agency or the recipient may require that the subrecipient carry adequate fidelity bond coverage where the absence of coverage for the subgrant-supported activity is considered as creating an unacceptable risk.

§ 3015.18 Source of bonds.

Any bonds required under § 3015.16(c) (1) through (3) or § 3015.17 shall be obtained from companies holding certificates of authority as acceptable sureties (31 CFR Part 223). A list of these companies is published annually by the Department of the Treasury in its Circular 570.

Subpart D—Record Retention and Access Requirements

§ 3015.20 Applicability.

(a) This subpart applies to all financial and programmatic records, supporting documents, statistical records and other records of recipients, which are:

(1) Required to be maintained by the provisions of a USDA grant or cooperative agreement, or

(2) Otherwise reasonably considered as pertinent to a USDA grant or cooperative agreement.

(b) This subpart does not apply to the records of contractors and subcontractors under grants, subgrants and cooperative agreements. For a requirement to place a provision concerning those records in certain kinds of contracts, see subpart S.

§ 3015.21 Retention period.

(a) Except as provided in paragraphs (b) and (c) of this section, records shall be kept for 3 years from the starting date specified in § 3015.22.

(b) If any litigation, claim, negotiation, audit or other action involving the records has been started before the end of the 3-year period, the records shall be kept until all issues are resolved, or until the end of the regular 3-year period, whichever is later.

(c) In order to avoid dual recordkeeping, awarding agencies may make special arrangements with recipients to keep any records which are continuously needed for joint use. The awarding agency shall request a recipient to transfer records to its custody when the awarding agency decides that the records possess long-term retention value. When the records are transferred to or maintained by the awarding agency the 3-year retention requirement shall not apply to the recipient.

§ 3015.22 Starting date of retention period.

(a) *General.* The retention period starts from the date of the submission of the final expenditure report or where USDA grant support is continued or renewed at annual or other intervals, the 3-year retention period for the records of each funding period starts on the day the recipient submits to USDA its annual or final expenditure report for that period. If an expenditure report has been waived, the 3-year retention period starts on the day the report would have been due. Exceptions to this paragraph are contained in paragraphs (b) through (d) of this section.

(b) *Equipment records.* The 3-year retention period for the equipment records required by subpart R starts from the date of the equipment's disposition, replacement, or transfer at the direction of the awarding agency.

(c) *Records for income transactions after grant or subgrant support.* (1) In cases where USDA requires that program income (as defined in Appendix A) be applied to costs incurred after expiration or termination of grant or subgrant support, the 3-year retention period for those cost records starts from the end of the recipient's fiscal year in which the costs are incurred.

(2) Where USDA requires the disposition of copyright royalties or other program income earned after expiration or termination of grant or subgrant support, the 3-year retention period for those income records starts from the end of the recipient's fiscal

year in which the income was earned. (See subpart F, § 3015.44.)

(d) *Indirect cost rate proposals, cost allocation plans, etc.* (1) *Applicability.* This paragraph applies to the following types of documents and their supporting records:

(i) Indirect cost rate computations or proposals;

(ii) Cost allocation plans; and

(iii) Any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(2) *If submitted for negotiation.* If the Federal government requires submission of the proposal, plan, or other computation for negotiation of the rate chargeable for particular costs, then the 3-year retention period for the plan, proposal or other computation and the supporting records starts from the date of such submission.

(3) *If not submitted for negotiation.* If the Federal government does not require submission of the proposal, plan, or other computation for negotiation of the rate chargeable for particular costs, then the 3-year retention period for the proposal, plan, or other computation and the supporting records starts from the end of the fiscal year covered by such proposal, plan or other computation.

§ 3015.23 Microfilm.

Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

§ 3015.24 Access to records.

(a) *Records of recipients.* USDA and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records of the recipient which are pertinent to a specific USDA award in order to make audit, examination, excerpts, and transcripts.

(b) *Records of subrecipients.* USDA and the Comptroller General of the United States, and the recipient, or any of their authorized representatives, shall have the right of access to any books, documents, papers, or other records of the subrecipient which are pertinent to a specific USDA grant or cooperative agreement, in order to make audit, examination, excerpts, and transcripts.

(c) *Expiration of right of access.* The rights of access in this section shall not be limited to the required retention period but shall last as long as the records are kept.

§ 3015.25 Restrictions to public access.

Unless required by law, no awarding agency shall impose grant or subgrant conditions which limit public access to records covered by this subpart, except when the awarding agency determines that such records must be kept confidential and would have been excepted from disclosure pursuant to USDA's "Freedom of Information" regulations if the records had belonged to USDA (7 CFR 1.1-1.16).

Subpart E—Waiver of "Single" State Agency Requirements**§ 3015.30 Waiver of "single" State agency requirements.**

The Intergovernmental Cooperation Act of 1968 authorizes Federal agencies to waive "single" State agency requirements on request of the Governor or other duly constituted State authorities.

(a) *Approval authority.* The awarding agency has approval authority for waiver requests, and shall handle them as quickly as feasible. Approval should be given whenever possible.

(b) *Refusal procedures.* When it is necessary to refuse a request for waiver of the "single" State agency requirements under the Intergovernmental Cooperation Act of 1968, the awarding agency shall, through O&F, advise OMB that the request cannot be granted. Such advice should indicate the reasons for the denial of the request. Notification, through O&F, to OMB shall occur prior to informing the State of the refusal.

Subpart F—Grant Related Income**§ 3015.40 Scope.**

This subpart contains policies and requirements related to program income and interest and other investment income earned on advances of grant funds.

§ 3015.41 General program income.

(a) *Applicability.* This section applies to "general program income" as defined in Appendix A.

(b) *Use.* (1) General program income shall be retained by the recipient and used in accordance with one or a combination of the alternatives in paragraphs (c), (d), and (e) of this section, as follows: The alternative in paragraph (c) may always be used by recipients and must be used if neither of the other two alternatives is permitted by the provisions of the grant award. The alternatives in paragraph (d) or (e) may be used only if expressly permitted by the provisions of the grant award. In specifying alternatives that may be used, the provisions of the grant award

may distinguish between income earned by the recipient and income earned by subrecipients and between the sources, kinds, or amounts of income.

(2) The provisions of a subgrant award may restrict the use of general program income earned by the subrecipient to only one or some of the alternatives permitted by the provisions of the grant, but the alternative in paragraph (c) of this section shall always be permitted.

(c) *Deduction alternative.* (1) Under this alternative, the income is used for allowable costs of the project or program. If there is a cost-sharing or matching requirement, costs supported by the income may not count toward satisfying that requirement. Therefore, the maximum percentage of Federal cost-sharing is applied to the net amount determined by deducting the income from total allowable costs and third party in-kind contributions. The income shall be used for current costs unless the awarding agency authorizes the income to be used in a later period.

(2) To illustrate this alternative, assume a project in which the recipient incurs \$100,000 of allowable costs and receives no third party in-kind contributions. If the recipient earns \$10,000 in general program income and this alternative applies, that \$10,000 must be deducted from the \$100,000 before applying the maximum percentage of Federal cost-sharing. If that percentage is 90 percent, the most that could be paid to the recipient would therefore be \$81,000 (90 percent times \$90,000).

(d) *Cost-sharing or matching alternative.* (1) Under this alternative, the income is used for allowable costs of the project or program but, in this case, the costs supported by the income may count toward satisfying a cost-sharing or matching requirement. Therefore, the maximum percentage of Federal cost-sharing is applied to total allowable costs and third party in-kind contributions. The income shall be used for current costs unless the awarding agency authorizes its use in a later period.

(2) To illustrate this alternative, assume the same situation as in paragraph (c)(2) of this section. Under this alternative, the 90 percent maximum percentage of Federal cost-sharing would be applied to the full \$100,000, and \$90,000 could therefore be paid to the recipient. (It should be noted that if \$20,000 of general program income is earned, only \$80,000 could be paid, since a grant cannot pay for costs which have been supported by general program income.)

(e) Additional costs alternative.

Under this alternative, the income is used for costs which are in addition to the allowable costs of the project or program but which nevertheless further the objectives of the Federal statute under which the grant was made. Provided that the costs supported by the income further the broad objectives of that statute, they need not be of a kind that would be permissible as charges to Federal funds. Examples of purposes for which the income may be used are:

- (1) Expanding the project or program.
- (2) Continuing the project or program after grant or subgrant support ends.
- (3) Supporting other projects or programs that further the broad objectives of the statute.
- (4) Obtaining equipment or other assets needed for the project or program or for other activities that further the statute's objectives.

§ 3015.42 Proceeds from sale of real property and from sale of equipment and supplies acquired for use.

The following kinds of program income shall be governed by subpart R of this part:

- (a) Proceeds from the sale of real property purchased or constructed under a grant or subgrant.
- (b) Proceeds from the sale of equipment and supplies created or purchased under a grant or subgrant and intended primarily for use in the grant or subgrant-supported project or program rather than for sale or rental.

§ 3015.43 Royalties and other income earned from a copyrighted work.

(a) This section applies to royalties, license fees, and other income earned by a recipient from a copyrighted work developed under the grant or subgrant. Income of that kind is covered by this section whether a third party or the recipient acts as the publisher, seller, exhibitor, or performer of the copyrighted work. In some cases the recipient incurs costs to earn the income but does not charge these costs to USDA grant funds, to required cost-sharing or matching funds, or to other program income. Costs of that kind may be deducted from the gross income in order to determine how much must be treated as program income.

(b) The provisions of the grant award govern the disposition of income subject to this section. If the provisions of the grant award do not treat this kind of income, there are no USDA requirements governing the disposition. A recipient is not prohibited from imposing requirements of its own on the disposition of this kind of income which

is earned by its subrecipients provided those requirements are in addition to, and not inconsistent with, any requirements imposed by the provisions of the grant award.

§ 3015.44 Royalties or equivalent income earned from patents or from inventions.

Disposition of royalties or equivalent income earned on patents or inventions arising out of activities assisted by a grant or subgrant shall be governed by determinations made or agreements entered into in accordance with 35 U.S.C. 202 through 204. If the determination or agreement does not provide for the disposition of the royalties or equivalent income, the disposition shall be in accordance with the recipient's own policies.

§ 3015.45 Other program income.

(a) This section applies to program income not treated elsewhere in this part which subsequently results from an activity supported by a grant or subgrant but which does not accrue until after the period of grant or subgrant support. An example is proceeds from the sale or rental of a residual inventory of merchandise created or purchased by a grant-supported workshop during the period of support.

(b) The provisions of the grant award govern the disposition of income subject to this section. If the provisions do not treat this kind of income, there are no USDA requirements governing the disposition. A recipient may impose requirements of its own on the disposition of this kind of income which is earned by its subrecipients provided those requirements are in addition to and not inconsistent with any requirements imposed by the provisions of the grant award.

§ 3015.46 Interest earned on advances of grant funds.

(a) Except when exempted by Federal statute (see paragraph (b) of this section for the principal exemption), recipients shall remit to the Federal government any interest or other investment income earned on advances of USDA grant funds. This includes any interest or investment income earned by subrecipients and cost-type contractors on advances to them that result from advances of USDA grant funds to the recipient. Unless the recipient receives other instructions from the responsible USDA awarding agency, the recipient shall remit the amount due by check or money order payable to the awarding agency. This requirement may not be administratively waived.

(b) In accordance with the Intergovernmental Cooperation Act of

1968 (42 U.S.C. 4213), States, as defined in the Act, shall not be accountable to the Federal government for interest or investment income earned by the State itself, or by its subrecipients, where this income is attributable to grants-in-aid, as defined in the Act.¹

(c) Recipients are cautioned that they are subject to the provisions of subpart L for minimizing the time between the transfer of advances and their disbursement. Those provisions apply even if there is no accountability to the Federal government for interest or other investment income earned on the advances.

Subpart G—Cost-Sharing or Matching

§ 3015.50 Scope.

This subpart contains rules reflecting Federal requirements for cost-sharing or matching. These rules apply whether cost-sharing or matching is required by Federal statute, awarding agency regulations, or by other provisions established by the specific grant agreement.

§ 3015.51 Acceptable contributions and costs.

A cost-sharing or a matching requirement may be satisfied after qualifications and exceptions are met in § 3015.52 and by satisfying either or both of the following:

(a) Allowable costs incurred by the recipient or by any subrecipient under the grant or subgrant. This includes allowable costs supported by non-Federal grants or by cash donations from non-Federal third parties.

(b) The value of third party in-kind contributions applicable to the same period when a cost-sharing or matching requirement applies.

§ 3015.52 Qualifications and exceptions.

(a) *Costs supported by other Federal grants.* (1) A cost-sharing or a matching requirement shall not be met by costs supported by another Federal grant, except as provided by Federal statute. This exception however, does not apply to costs supported by general program income earned from a contract awarded under another Federal grant.

(2) For the purpose of this part, funds provided under General or Countercyclical Revenue Sharing

¹ "State" is defined in the Act to include any agency or instrumentality of a State, and the definition does not exclude a hospital or institution of higher education which is such an agency or instrumentality. "Grant-in-aid" is defined in the Act to exclude payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private. (42 U.S.C. 4201)

Programs (31 U.S.C. 1221 et seq. and 42 U.S.C. 6721 et seq.) are not considered Federal grants. Therefore, allowable costs supported by these funds may be used to satisfy a cost-sharing or a matching requirement.

(b) *Costs or contributions applied towards other Federal cost-sharing requirements.* Recipient costs or the value of third party in-kind contributions shall not count towards satisfying a cost-sharing or matching requirement of a USDA grant if they are or will be counted towards satisfying a cost-sharing or matching requirement of another Federal grant, a Federal procurement contract, or any other award of Federal funds.

(c) *Costs financed by general program income.* Costs financed by general program income as defined in Appendix A shall not count towards satisfying a cost-sharing or matching requirement of a USDA grant supporting the activity unless the provisions of the grant award expressly permit the income to be used for cost-sharing or matching purposes. (This is the alternative for use of general program income described in § 3015.42).

(d) *Services or property financed by income earned by contractors.* Contractors under a grant or subgrant may earn income from the activities carried out under the contract in addition to the amounts earned from the party awarding the contract. No costs of services or property supported by this income may count toward satisfying a cost-sharing or matching requirement unless other provisions of the grant award expressly permit this kind of income to be used to meet the requirement.

(e) *Records.* In order to count cost and third party in-kind contributions towards satisfying a cost-sharing or a matching requirement, there must be verification and accurate documentation from the records of recipients or cost-type contractors. These records shall show how the value placed on third party in-kind contributions was decided. Special standards and procedures for calculating these contributions are discussed in paragraph (f) of this section. Volunteer services, to the extent possible, shall be supported by the same pay procedures and rates employed by the organization when paying for similar work performed by its personnel.

(f) *Special standards for third party in-kind contributions.* (1) *Contributions to recipients or cost-type contractors.* A third party in-kind contribution to a recipient or cost-type contractor may count towards satisfying a cost-sharing or matching requirement only where, if the recipient or cost-type contractor

were to pay for it, the payment would be an allowable cost. Furthermore, if the payment would be an indirect cost to that recipient or contractor, cost-sharing or matching credit may be given only if the recipient or contractor has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of third party in-kind contributions.

(2) *Contributions to fixed-price contractors.* A third party in-kind contribution to a fixed-price contractor may count towards satisfying a cost-sharing or matching requirement only if it results in:

- (i) An increase in the services or property provided under the contract (without additional cost to the recipient or subrecipient), or
- (ii) A cost savings to the recipient or subrecipient.

§ 3015.53 Valuation of donated services.

(a) *Volunteer services.* Unpaid services provided to a recipient by an individual shall be valued at rates consistent with the rates normally paid for similar work in the recipient organization. If there is no similar work in the recipient organization, the rate of pay for volunteer services should be consistent with those regular rates paid for similar work in the same labor market. In either case, a reasonable amount for fringe benefits may be included in the valuation.

(b) *Employees of other organizations.* When an employer, other than a recipient or cost-type contractor, furnishes the services of an employee without cost to perform the employee's normal line of work, the services shall be valued at the employee's regular rate of pay, exclusive of the employer's fringe benefits and overhead cost. If the services are in a different line of work, paragraph (a) of this section shall apply.

§ 3015.54 Valuation of donated supplies and loaned equipment or space.

(a) If a third party donates supplies, the contributors shall not exceed the cost of the supplies to the donor or the market value of the supplies, at the time of the donation, whichever is less.

(b) If a third party donates the use of equipment or space in a building but retains the title, the contribution shall be valued at the fair rental rate of the equipment or space.

§ 3015.55 Valuation of donated equipment, buildings, and land.

When a third party donates equipment, buildings or land, and the title is given to the recipient, the treatment of this donated property shall

depend upon the purpose of the grant or subgrant as follows:

(a) *Awards for capital expenditures.* If the purpose of the grant or subgrant is to assist the recipient in acquiring property, such as equipment, buildings, and land, then the market value of that property at the time of donation may be counted as cost-sharing or matching.

(b) *Other awards.* If the nature of the grant or subgrant is not for the purpose of acquiring property, the following rules shall apply:

(1) If approval is obtained from the awarding agency, the market value at the time of donation of the equipment or buildings and the fair rental rate of the donated land may be counted as cost-sharing or matching. In the case of a subgrant, the provisions of the USDA grant should require that the approval be obtained from the awarding agency as well as the recipient. In all cases, the approval may be given only if a purchase of the equipment or rental of the land would be approved as an allowable direct cost.

(2) If approval is not obtained under paragraph (b)(1) of this section, no amount shall be counted for donated land. Instead, only depreciation or use allowances may be counted for donated equipment and buildings and treated as costs incurred by the recipient. They are computed and allocated (usually as indirect costs) in accordance with the cost principles specified in subpart T of this part. They will thus be handled in the same way as depreciation or use allowances for purchased equipment and buildings. The amount of depreciation or use allowances for donated equipment and buildings is based on the property's market value at the time it was donated.

§ 3015.56 Appraisal of real property.

In some cases, it will be necessary to establish the market value of land or a building or the fair rental rate of land or of space in a building. In these cases, the awarding agency must require that the market value or fair rental rate be set by an independent appraiser (or by a representative of the U.S. General Services Administration, if available) and that the value or rate be certified by a responsible official of the party to which the property or its use is donated. This requirement must also be imposed by the recipient on subgrants.

Subpart H—Standards for Financial Management Systems

§ 3015.60 Scope.

This subpart contains standards for financial management systems of recipients. No additional financial

management standards or requirements shall be imposed by awarding agencies. Awarding agencies may, however, provide recipients with suggestions and assistance on establishing or improving financial management systems when such assistance is needed or requested.

§ 3015.61 Financial management standards.

These standards shall be met by recipients and subrecipients in managing their financial management systems.

(a) *Financial reporting.* Complete, accurate, and current disclosure of the financial results of each USDA sponsored project or program shall be maintained in accordance with the financial reporting requirements set forth in the grant or subgrant. When a USDA awarding agency requires reporting on an accrual basis, the recipient shall not be required to establish an accrual accounting system, but shall develop such accrual data for its reports on the basis of an analysis of the documentation on hand.

(b) *Accounting records.* The source and application of funds shall be readily identified by the continuous maintenance of updated records. Records, as such, shall contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, outlays, and income. When the recipient is a governmental entity, the records shall also contain liabilities.

(c) *Internal control.* Effective control over and accountability for all USDA grant or subgrant funds, real and personal property assets shall be maintained. Recipients shall adequately safeguard all such property and shall ensure that it is used solely for authorized purposes. In cases where projects are not 100 percent Federally funded, recipients must have effective internal controls to assure that expenditures financed from non-Federal funds are properly chargeable to the grant supported project.

(d) *Budgetary control.* The actual and budgeted amounts for each grant or subgrant shall be compared. If appropriate, or required by the awarding agency, financial information shall be related to performance and unit cost data. When unit cost data is required, estimates based on available documentation may be accepted whenever possible.

(e) *Advance payments.* There shall be specific procedures established to minimize the time elapsing between the advance of Federal grant or subgrant funds and their subsequent

disbursement by the recipient. When advances are made by a letter-of-credit method, the recipients shall make drawdowns as close as possible to the time of making the disbursements. This same procedure shall be followed by recipients who advance cash to subrecipients to ensure that timely fiscal transactions and reporting requirements are conducted.

(f) *Allowable costs.* Established procedures shall be used for determining the reasonableness, allowability, and a allocability of costs in accordance with the cost principles prescribed by subpart T of this part and the provisions of the grant award.

(g) *Source documentation.* Accounting records shall be supported by source documentation. These documentations include, but are not limited to, cancelled checks, paid bills, payrolls, contract and subgrant award documents.

(h) *Audit resolution.* A systematic method shall be employed by each recipient to assure timely and appropriate resolution of audit findings and recommendations.

Subpart I—Audits

§ 3015.70 Audits of State, local and Indian Tribal governments.

(a) Sections 3015.70 through 3015.77 of this subpart implement the audit requirements for government organizations contained in the following documents which are incorporated in this subpart by reference:

(1) OMB Circular A-102, Attachment P, dated October 22, 1979, and any subsequent revisions;

(2) Standards for Audit of Governmental Organizations Programs, Activities and Functions issued by the Comptroller General of the United States in 1981 (GAO Standards), and any subsequent revisions;

(3) Generally Accepted Auditing Standards issued by the American Institute of Certified Public Accountants (AICPA);

(4) Guidelines for Financial and Compliance Audits of Federally Assisted Programs issued by the General Accounting Office (GAO) in February 1980, and any subsequent revisions;

(5) Compliance supplements issued by OMB on August 18, 1980, and any subsequent revisions; and

(6) Federal cognizant audit agency assignments issued by OMB on October 6, 1980, and any subsequent revisions.

(b) All of the requirements contained in paragraphs (a)(1) through (5) must be met by the recipients before an audit can be accepted as a Federal audit by

the respective cognizant audit agencies referenced in paragraph (a)(6).

(c) Under OMB Circular A-102, Attachment P, OMB has established uniform audit requirements for State, local and Indian Tribal governments, or their subdivisions that receive financial assistance from USDA. Attachment P requires recipients and subrecipients of USDA financial assistance to arrange for independent audits of financial operations, including compliance with certain provisions of Federal laws and regulations and to assure that audits are made on an organization-wide basis rather than on a grant-by-grant basis. Such organization-wide audits are to determine whether:

(1) Financial operations are conducted properly;

(2) Financial statements are presented fairly;

(3) Recipients and subrecipients are complying with the laws and regulations that affect the expenditures of Federal funds;

(4) Recipients and subrecipients have established internal procedures to meet the objectives of Federal assisted programs; and

(5) Recipients and subrecipients are providing accurate and reliable financial information to the Federal government.

If the recipients or subrecipients fail to arrange for the required audits or fail to assure that an acceptable audit is performed, the respective cognizant audit agencies may arrange for the performance of the required audits. If the cognizant audit agencies arrange for the required audits because of these circumstances, the recipients and/or subrecipients shall reimburse the respective cognizant audit agencies for the cost of these organization-wide audits.

(d) Unless specifically required by law or approved by OMB, USDA or other Federal agencies shall not impose any additional audit requirements on recipients or subrecipients. Audit requirements in USDA regulations for assistance programs administered in cooperation with State, local and Indian Tribal governments shall be limited to requiring compliance with Attachment P and this subpart, except as may be (1) required by law or (2) authorized by the Inspector General, USDA.

(e) State, local and Indian Tribal governments for whom OMB has assigned USDA as the "cognizant audit agency" shall apply the audit requirements in this subpart.

(f) State, local and Indian Tribal governments that receive financial assistance from USDA and have been assigned a cognizant audit agency other than USDA shall follow the audit

requirements established by the respective cognizant audit agency. If the designated cognizant audit agency has not established Attachment P audit requirements or if OMB has not designated a cognizant audit agency, these units of government shall follow the audit requirements contained in OMB Circular A-102, Attachment P, and this subpart.

§ 3015.71 Definitions.

(a) "Cognizant audit agency" means the Office of Inspector General (OIG) or other designated audit organizations of the Federal agencies that OMB has identified in the Federal Register as having the audit responsibility for Attachment P, Circular A-102. In those instances where OMB designates USDA as the cognizant audit agency, OIG will act for the Department and recipients shall communicate with the appropriate OIG Regional Inspector General for Auditing about all matters concerning compliance with Circular A-102, Attachment P.

(b) "OIG" means the Office of Inspector General, United States Department of Agriculture.

(c) "Organization-wide audit" means an audit which encompasses all financial operations and all funds (regardless of source) of the audited entity, and which will satisfy the needs of all interested parties for audited financial information.

(d) "Regional Inspector General" means the OIG official in the United States Department of Agriculture who is responsible for audit-related matters in one of the designated regions covered by a Regional Audit Office.

(e) "Recipient" means a State department, local government, an Indian Tribal government or a subdivision of such entities that receive Federal assistance directly from the Federal government. It does not include State or local institutions of higher education or hospitals, which are covered by Circular A-110 and § 3015.79 of this subpart.

(f) "Subrecipient" means a State department, local government, an Indian Tribal government or a subdivision of such entities that receive Federal assistance indirectly (through a recipient) from the Federal government.

§ 3015.72 Authority.

(a) *Authority.* The Inspector General Act of 1978 (Public Law 95-452) established OIG's audit authority. The Act includes, among other powers, the authority to have access to all records, reports, audits, reviews, documents, papers, recommendations or other material related to USDA assistance

programs administered by recipient and subrecipient organizations. The provisions of Circular A-102, Attachment P, or this subpart do not limit the OIG's authority to make audits of recipient and subrecipient organizations. However, if the recipients and subrecipients arrange for independent audits that meet the requirements in this subpart, OIG shall rely on those audits and any additional work shall build upon the work already done.

(b) *Memorandum of understanding.* OIG plans to use a memorandum of understanding as a tool to document agreement on (1) the working relationships between the recipient, the independent auditor and OIG and (2) the responsibilities of each party, in carrying out the organization-wide audits required by Attachment P and this subpart. There may be instances where a written agreement is inappropriate, but where one is used, it shall be consistent with this subpart and shall be changed only with the consent of all parties to the agreement.

§ 3015.73 Audit arrangements and requirements.

(a) *Arrangements.* (1) State, local and Indian Tribal governments shall use their own procedures to arrange for and prescribe the scope of independent audits, provided that such audits comply with the requirements set forth in Circular A-102, Attachment P, and this subpart. (NOTE: It is not intended that audits required by this subpart be separate and apart from audits performed in accordance with State and local laws. To the extent feasible, the audit work required by this subpart should be done in conjunction with those audits).

(2) Small business concerns and business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts awarded for audits required by this subpart (see paragraph 16 of Attachment P, Circular A-102).

(3) In arranging for audits, recipients shall coordinate proposed audit plans and related procurement documents with the appropriate Regional Inspector General prior to executing the contractual documents. The purpose of coordinating the proposed audit plans and related procurement documents is to enable the Regional Inspectors General to provide timely technical assistance and assure that satisfactory audit coverage is planned.

(4) Provisions shall be included in audit contracts requiring the audit

organization to retain audit working papers for a minimum of three years from the date of the audit report unless the auditor is notified in writing by OIG of the need to extend the retention period. The audit contracts shall also contain a provision which requires the audit organizations to provide the workpapers to OIG and GAO upon request.

(b) *Requirements.* (1) All audits shall be performed in accordance with the GAO Standards for Audit of Government Organizations, Programs, Activities, and Functions; generally accepted audit standards established by the AICPA; GAO Guidelines for Financial and Compliance Audits of Federally Assisted Programs; OMB approved compliance supplements and other compliance supplements developed in accordance with OMB policies.

(2) At a minimum, the audits shall include examinations of the systems of internal control established to ensure compliance with laws and regulations affecting the expenditure of Federal funds, financial transactions and accounts, and financial statements and reports of recipients and subrecipients.

(3) These examinations shall determine:

(i) If controls over the accounting for revenues, expenditures, assets, and liabilities are proper and effective;

(ii) If the audited entity's financial statements are presented fairly in accordance with generally accepted accounting principles;

(iii) If the Federal financial reports (including Financial Status Reports, Cash Transactions Reports, and claims for advances and reimbursements) contain accurate and reliable financial data and are presented in accordance with the terms of applicable agreements and in accordance with subpart J of this part; and

(iv) If Federal funds are being expended in accordance with the terms of applicable agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or on the awards tested.

§ 3015.74 Scope of audit tests.

(a) To achieve the above purposes, a representative number of charges to the Federal awards shall be tested. The tests must be representative of (1) the universe of all Federal awards received, and (2) all cost categories that materially affect the awards. The tests are to determine if the charges:

(i) Were necessary and reasonable to properly administer the program or project;

(ii) Conformed to any limitations or exclusions in the award;

(iii) Received consistent accounting treatment and were applied uniformly to both Federally and non-Federally assisted activities;

(iv) Were net of applicable credits;

(v) Excluded costs properly chargeable to other Federally assisted programs;

(vi) Were properly recorded and supported by source documents;

(vii) Were approved in advance, if subject to prior approval in accordance with OMB Circular A-87 and this part;

(viii) Were incurred in accordance with competitive purchasing procedures if covered by Attachment O of Circular A-102 and subpart S of this part; and

(ix) Were allocated equitably to the benefiting activities, including non-Federal activities.

(b) The use of statistical sampling is a particularly appropriate technique for testing the charges to Federal awards and determining the impact of the results of the tests. OIG prefers the use of this technique unless it is not feasible. Where statistical sampling techniques are not used, the reasons should be documented in the audit working papers.

(c) Because charges that a subrecipient incurs are a part of the universe of the total Federal charges the recipient incurs, subrecipient charges should be tested to the extent necessary for the auditor to be able to make the required determinations. Where subrecipients are audited separately by independent public accounting firms or State or local government audit groups, the recipient's auditor will rely on the subrecipient audits to the extent possible, providing those audits meet the requirements of Attachment P and this subpart.

(d) It is inappropriate to limit the audit scope of a recipient in a way that excludes an audit of material expenditures of the recipient or its subrecipients.

(e) Audits shall be made annually but not less frequently than every two years, and shall cover the period beginning immediately after the end of the period covered by the previous audit.

(f) The auditor shall promptly notify and request guidance from OIG upon becoming aware of irregularities in the operations of the recipient or subrecipient organizations. Matters that auditors shall consider as irregular include conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.

§ 3015.75 Reporting requirements.

- (a) Audit reports shall include:
- (1) Financial statements, including footnotes, of the recipient or subrecipient organization being audited.
 - (2) Auditors' comments on the financial statements which shall:
 - (i) Identify the statements examined and the period covered;
 - (ii) Identify by awarding agency, the various programs under which the recipient or subrecipient received Federal funds and the amounts of the individual awards received;
 - (iii) State that the audit was done in accordance with the GAO and AICPA Standards; the Guidelines for Financial and Compliance Audits of Federally Assisted Programs; OMB approved compliance supplements and other compliance supplements developed in accordance with OMB policies; and
 - (iv) Express an opinion as to whether the financial statements were fairly presented in accordance with generally accepted accounting principles. If an unqualified opinion cannot be expressed, state the nature of the qualification.
 - (3) Auditors' comments on compliance and internal control which shall:
 - (i) Include comments on weaknesses in any non-compliance with the system of internal control, separately identifying material weaknesses;
 - (ii) Identify the nature and impact of any noted instances of non-compliance with the terms of agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements and reports. The auditor shall explain the impact in terms that are meaningful and relative to the total universe, or defined subuniverse of Federal charges such as estimates of the dollar value or rates of non-compliance with the particular audit universe; and
 - (iii) Contain an expression of positive assurance with respect to compliance with the requirements for tested items and negative assurance for untested items.
 - (4) Comments on the accuracy and completeness of financial reports and claims submitted to Federal agencies for advances or reimbursement.
 - (5) Comments on corrective action that the recipient or subrecipient has taken or planned.
- (b) Recipient organizations shall provide the number of copies of final reports needed by the Regional Inspectors General for proper distribution of the reports to the other audit agencies concerned and program officials.
- (c) The auditor shall retain audit working papers and reports for a minimum of three years from the date of

the audit report unless OIG notifies the auditor in writing of the need to extend the retention period. The auditor, upon request, shall provide or make the working papers available to the OIG and the GAO or their designees.

§ 3015.76 Subrecipient standards.

- (a) Recipients shall require subrecipients to comply with this subpart. Recipients shall not routinely transmit copies of the subrecipient audit reports to OIG. The recipient shall arrange for its auditor to review the subrecipient reports and incorporate the results into the recipient's audit report. The recipient's auditor shall state in the audit report the amount of funds at the subrecipient level that were audited by the subrecipients' auditors and make any pertinent comments concerning those audits. Questioned costs at the subrecipient level shall be contingent liabilities as far as the recipient is concerned and the auditor should report them as such, when appropriate.
- (b) Individual subrecipient audit reports must be evaluated for quality by the recipient's auditor and must meet the requirements of these regulations before being accepted by the recipient. The recipient shall retain all subrecipient audit reports on file and make them available to OIG and GAO officials or their designees upon request.

§ 3015.77 OIG cognizant agency responsibilities.

- As a cognizant audit agency, OIG shall be responsible for:
- (a) Obtaining or making quality assessment reviews of the audit work of non-Federal auditors and providing the review results to other interested audit agencies. (When a non-Federal auditor is responsible for auditing recipients that have different cognizant audit agencies and it is practicable to do so, OIG shall arrange for a single quality assessment review);
 - (b) Assuring that all recipient audit reports affecting Federally assisted programs are received, reviewed, and distributed to the proper audit agencies. These agencies (including OIG) are responsible for distributing audit reports to their respective program officials;
 - (c) Advising the recipient and the auditor of significant inadequacies found in an audit and the actions needed to correct the inadequacies. If the auditor fails to take corrective action, OIG shall notify the recipient organization and the appropriate audit agencies of the facts and OIG's recommendations. OIG shall refer to appropriate professional bodies major inadequacies or repetitive substandard audit work;

(d) Assuring that satisfactory audit coverage is provided in a timely manner and in accordance with the provisions of Circular A-102, Attachment P, and this subpart;

(e) Providing technical advice and acting in a liaison capacity with Federal agencies, independent auditors, and recipient organizations, including providing technical assistance in arranging for audit services;

(f) Maintaining a followup system on audit findings and investigative matters to assure that audit findings are resolved;

(g) Informing other affected audit agencies of disclosed irregularities. These agencies shall in turn inform appropriate officials in their agencies. OIG shall inform State or local government law enforcement and prosecuting authorities of irregularities that fall within their jurisdiction; and

(h) Assuring that necessary audits are performed of indirect cost rate proposals submitted by governmental units for which USDA is cognizant under the provisions of OMB Circular A-87.

§ 3015.78 [Reserved]**§ 3015.79 Audits of institutions of higher education, hospitals and other non-profit organizations.**

(a) *Non-Federal audits.* Recipients that are not governments shall comply with the requirements concerning non-Federal audits in OMB Circular A-110, including amendments to those requirements published in the *Federal Register* by OMB. A summary of the main provisions follows:

- (1) Each recipient must have itself audited by non-Federal auditors at least once every two years;
- (2) The recipient's auditors must meet the standards of independence set forth in the GAO Standards; and
- (3) The audit is to be a financial and compliance audit performed on an organization-wide basis, in accordance with GAO Standards and Guidelines with appropriate sampling of grant related transactions. Awarding agencies may not impose grant-by-grant (or subgrant-by-subgrant) audit requirements except as may be prescribed by law.

(b) *Federal audit responsibilities.* (1) Audits of Federal contracts and assistance programs at institutions of higher education are performed periodically by the Federal agencies designated as cognizant audit agencies in OMB Circular A-88. In addition, OIG may perform audits of USDA programs at Land Grant Institutions from time to time. Such audits shall be coordinated in advance with the cognizant audit

agency and shall to the extent possible, not duplicate work done by the Federal cognizant audit agency, or by independent auditors in accordance with Circular A-110.

(2) OIG reserves the right to perform audits of USDA assistance programs at other nonprofit organizations as determined by OIG to be necessary. In performing such audits, OIG shall rely to the extent feasible on audit work performed by other Federal and non-Federal auditors.

Subpart J—Financial Reporting Requirements

§ 3015.80 Scope and applicability.

(a) The subpart prescribes requirements and forms for receipts to report financial information to USDA and to request grant payments when a letter of credit is not used.

(b) This subpart need not be applied by recipients in dealing with their subrecipients. Recipients are encouraged not to impose on subrecipients more burdensome requirements than USDA imposes on them.

§ 3015.81 General.

(a) Except as provided in paragraphs (d) and (e) of this section, recipients shall use only the forms specified in § 3015.82 through § 3015.85, and such other forms as may be authorized by OMB for:

(1) Submitting grant financial reports to awarding agencies, or

(2) Requesting grant payments when letters of credit or automatic prescheduled treasury check advances are not used.

(b) Recipients shall follow all applicable standard instructions issued by OMB for use in connection with the forms specified in § 3015.82 through § 3015.85. Awarding agencies may not issue substantive supplementary instructions that conflict with this subpart or impose additional requirements on recipients without the approval of O&F and OMB. However, awarding agencies may shade out or instruct the recipient to disregard any line item that the awarding agency finds unnecessary for its decision-making purposes.

(c) Recipients shall not be required to submit more than one original and two copies of the forms required under this subpart.

(d) Awarding agencies may provide computer outputs to recipients to expedite or contribute to the accuracy of reporting. Awarding agencies may accept the required information from recipients in machine readable form or

computer printouts instead of prescribed formats.

(e) When an awarding agency determines that a recipient's accounting system does not meet the standards for financial management systems contained in subpart H of this part, it may require more frequent financial reports or more detail (or both) upon written notice to the recipient (without regard to § 3015.4) until such time as the standards are met.

(f) Awarding agencies may waive any report required by this subpart, if not needed.

(g) Awarding agencies may extend the due date for any financial report upon receiving a justified request from the recipient. The recipient should not wait until the due date if an extension is to be requested, but should submit the request as soon as the need becomes known. Failure by a recipient to submit a report by its due date may result in severe enforcement actions by USDA. These may include withholding of further grant payments, suspension or termination of the grant, etc. Therefore recipients are urged to submit reports on time.

§ 3015.82 Financial status report.

(a) *Form.* Recipients shall use Standard Form 269, Financial Status Report, to report the status of funds for all nonconstruction projects or programs.

(b) *Accounting basis.* Each recipient shall report program outlays and program income on the same accounting basis, i.e., cash or accrual, which it uses in its accounting system.

(c) *Frequency.* The awarding agency may prescribe the frequency of the report for each project or program. However, the report shall not be required more frequently than quarterly except as provided in sections 3015.4, 3015.81(e), or by statute. If the awarding agency does not specify the frequency of the report, it shall be submitted annually. Upon expiration or termination of the grant or cooperative agreement, if a period of time remains not covered by a periodic report (i.e., a quarterly, semi-annual or annual report), a final report shall be required.

(d) *Due date.* When reports are required on a quarterly or semiannual basis, they shall be due 30 days after the reporting period. When required on an annual basis, they shall be due 90 days after the end of the grant or agreement period. In addition, final reports as defined in § 3015.82(c) shall be due 90 days after the expiration or termination of grant or agreement support.

(e) *Final reports.* (1) Final reports (i.e., the last report submitted) must not show any unpaid obligations. (2) If the

recipient will still have unpaid obligations when the final report is due, the recipient shall submit a provisional final report (showing the unpaid obligations) by the due date, and a true final report when all obligations have been paid. When submitting a provisional final report, the recipient shall tell the awarding agency when it expects to submit a true final report.

(3) As provided in § 3015.81(f), awarding agencies may waive provisional final reports.

§ 3015.83 Federal cash transactions report.

(a) *Form.* (1) For grants or cooperative agreements paid by letters of credit (or Treasury check advances) through any USDA payment office, the recipient shall submit to USDA a Standard Form 272, Federal Cash Transactions Report, and, when necessary, its continuation sheet, SF 272a. Recipients under the Regional Disbursing Office (RDO) system shall not be required to submit a SF 272. For these recipients, awarding agencies shall use information contained in the Request for Payment to monitor recipient cash balances and to get disbursement information. (2) The SF 272 will be used by USDA to monitor cash advanced to recipients and to obtain disbursement or outlay information from recipients for each grant or cooperative agreement. The format of the report may be adapted, as appropriate, when reporting is to be accomplished with the assistance of automatic data processing equipment, provided that the identical information is submitted.

(b) *Forecasts of Federal cash requirements.* Forecasts of Federal cash requirements may be required in the "Remarks" section of the report.

(c) *Cash in hands of subrecipients or contractors.* When considered necessary and feasible by the responsible USDA awarding agency, recipients may be required to:

(1) Show in the "Remarks" section of the report the amount of cash advances exceeding three days needs in the hands of their subrecipients or contractors, and (2) Provide short narrative explanations or actions taken by the recipient to reduce such excess balances.

(d) *Frequency and due date.* Recipients shall submit the report no later than 15 working days following the end of each quarter. However, the USDA payment office may require recipients receiving advances of one million dollars or more per year to submit a report within 15 working days following the end of each month.

§ 3015.84 Request for advance or reimbursement.

(a) *Advance payments.* Recipients of nonconstruction grants or cooperative agreements shall request Treasury check advance payments on Standard Form 270, Request for Advance or Reimbursement. This form is not used for letter of credit drawdowns or predetermined automatic advance payments.

(b) *Reimbursements.* Recipients of nonconstruction grants or cooperative agreements shall request reimbursement on Standard Form 270, Request for Advance or Reimbursement (for reimbursement request under construction grants or cooperative agreements, see § 3015.85).

(c) The frequency for submitting payment requests on SF-270 is treated in § 3015.104.

§ 3015.85 Outlay report and request for reimbursement for construction programs.

(a) *Construction grants paid by reimbursement method.* (1) Requests for reimbursement under construction grants shall be submitted on Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. Awarding agencies may, however, prescribe the Request for Advance or Reimbursement form specified in § 3015.84 instead of this form.

(2) The frequency for submitting reimbursement requests is treated in § 3015.104.

(b) *Construction grants paid by letter of credit or Treasury check advance.*

(1) When a construction grant or a cooperative agreement is paid by letter of credit or Treasury check advances, the recipient shall report its outlays to the awarding agency using Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. The awarding agency will provide any necessary special instructions. However, frequency and due date shall be governed by § 3015.82 (c) and (d).

(2) When a construction grant or cooperative agreement is paid by Treasury check advances based on periodic requests from the recipient, the advances shall be requested on the form specified in § 3015.84.

(3) The awarding agency may substitute the Financial Status Report specified in § 3015.82 for the Outlay Report and Request for Reimbursement.

(c) *Accounting basis.* The accounting basis for the Outlay Report and Request for Reimbursement for Construction Programs shall be governed by § 3015.82 (b).

Subpart K—Monitoring and Reporting Program Performance

§ 3015.90 Scope.

This subpart establishes procedures for monitoring and reporting program performance of recipients. These procedures place responsibility on recipients to manage the daily operations of their grant and subgrant supported activities.

§ 3015.91 Monitoring by recipients.

Recipients shall constantly monitor the performance of grant and subgrant-supported activities to assure that performance goals are being achieved. Recipient monitoring shall cover each program, function, or activity.

§ 3015.92 Performance reports.

(a) *Non-construction.* The awarding agency shall, if it decides that performance information available from subsequent applications contains sufficient information to meet its programmatic needs, require the recipient to submit a performance report only upon expiration or termination of grant support. This report will be due on the same date as the final Financial Status Report (as provided in § 3015.82 (d) and (e)) unless waived by the awarding agency.

(1) Recipients shall submit annual performance reports unless the awarding agency requires quarterly or semi-annual reports or unless covered under paragraph (a) of this section. Annual reports shall be due 90 days after the grant year; quarterly or semi-annual reports shall be due 30 days after the reporting period. The final performance report shall be due 90 days after the expiration or termination of grant support. If a justified request is submitted by a recipient, the awarding agency may extend the due date for any performance report. Additionally, requirements for unnecessary performance reports may be waived by the awarding agency.

(2) Performance reports shall contain, for each grant, brief information on the following:

(i) A comparison of actual accomplishments to the goals established for the period. Where the output of the project can be readily expressed in numbers, a computation of the cost per unit of output may be required if that information will be useful.

(ii) The reasons for slippage if established goals were not met.

(iii) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(3) Recipients shall not be required to submit more than the original and two copies of performance reports.

(4) Recipients shall adhere to the standards in paragraph (a) of this section in prescribing performance reporting requirements for sub-recipients.

(b) *Construction.* For the most part, on-site technical inspections and certified percentage-of-completion data are relied on heavily by awarding agencies to monitor progress under construction grants and subgrants. The awarding agency shall require additional formal performance reports only when considered necessary, and never more frequently than quarterly.

§ 3015.93 Significant developments.

Events may occur between the scheduled performance reporting dates which have significant impact upon the grant or subgrant supported activity. In such cases, the recipient shall inform the awarding agency as soon as the following types of conditions become known:

(a) Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the award. This disclosure shall include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

(b) Favorable developments which enable meeting time schedules and goals sooner or at less cost than anticipated or producing more beneficial results than originally planned.

§ 3015.94 Site visits.

The awarding agency shall make site visits as frequently as practicable to:

(a) Review program accomplishments and manage control systems.

(b) Provide such technical assistance as may be required.

§ 3015.95 Waivers, extensions and enforcement actions.

(a) *Reports from recipients.* USDA may waive any performance report required by this subpart if not needed.

(b) *Reports from subrecipients.* The recipient may waive any performance report from a subrecipient when not needed. The recipient may extend the due date for any performance report from a subrecipient if the recipient will still be able to meet its performance reporting obligations to the USDA awarding agency.

Subpart L—Payment Requirements

§ 3015.100 Scope.

This subpart prescribes the basic standards and methods under which a

USDA awarding agency will make grant payments to recipients, and recipients will make subgrant payments to their subrecipients.

§ 3015.101 General.

Methods and procedures for making payments to recipients shall minimize the time elapsing between the transfer of funds and the recipient's disbursements.

§ 3015.102 Payment methods.

(a) *Non-construction.* (1) Letters of credit will be used to pay USDA recipients when all the following conditions exist:

(i) There is or will be a continuing relationship between the recipient and the USDA awarding agency for at least a 12 month period and the total amount of advances to be received within that period from the awarding agency is \$120,000 or more per year.

(ii) The recipient has established or demonstrated to the USDA awarding agency the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds from the Treasury and their disbursement by the recipient.

(iii) The recipient's financial management system meets the standards for fund control and accountability prescribed in subpart H of this part.

(2) Advances by Treasury check will be used, in accordance with Treasury Circular No. 1075, when the recipient does not meet the requirements in paragraph (a)(1)(i) of this section but does meet the requirements in paragraph (a)(1)(ii) and (iii) of this section.

(3) Reimbursement by Treasury check shall be the preferred method when the recipient does not meet the requirements specified in either paragraph (a)(1)(ii) or paragraph (a)(1)(iii) of this section. This method may also be used when USDA financial assistance makes up only a minor portion of the program and where the major portion of the program is accomplished through private financing or Federal loans.

(b) *Construction.* (1) Reimbursement by Treasury check shall be the preferred method when the recipient does not meet the requirements specified in § 3015.102(a)(1)(ii) or (iii), and may be used for any USDA construction grant unless USDA has entered into an agreement with the recipient to use a letter of credit for all USDA grants, including construction grants.

(2) When the reimbursement by Treasury check method is not used, § 3015.102(a)(1) and (2) shall apply to the construction grant. Implementing

procedures under § 3015.102(1) and (2) will be the same for construction grants as for nonconstruction grants awarded to the same recipient, insofar as possible.

(3) USDA awarding agencies will not use the percentage of completion method to pay its construction grants. The recipient may use that method to pay its construction contractor, but if it does, USDA payments to the recipient will nevertheless be based on the recipient's actual rate of disbursements.

§ 3015.103 Withholding payments.

(a) Unless otherwise required by Federal statute, payments for proper charges incurred by recipients will not be withheld at any time during the grant period unless (1) the recipient has failed to comply with the program objectives, grant award conditions, or Federal reporting requirements, or (2) the recipient is indebted to the United States and collection of the indebtedness will not impair accomplishment of the objectives of any grant program sponsored by the United States, or (3) the grant is suspended pursuant to subpart N of this part.

(b) Payments withheld for failure of a recipient to comply with reporting requirements, but without suspension of the grant, will be released to the recipient upon subsequent compliance. When a grant is suspended, payment adjustments will be made in accordance with subpart N of this part. When a debt is to be collected, USDA awarding agencies may withhold payments or require appropriate accounting adjustments to recorded cash balances for which the recipient is accountable to the Federal government, in order to liquidate the indebtedness.

§ 3015.104 Requesting advances or reimbursements.

(a) *Advances.* If advance payments are by Treasury check and are not prescheduled, the recipient shall submit its payment requests at least monthly. Less frequent requests are not permitted for they result in advances covering excessive periods of time. Recipient requests for advances shall not be made in excess of the Federal share of reasonable estimates of outlays for the month covered. These estimates shall be made on a cash basis, even if the recipient uses an accrual accounting system.

(b) *Reimbursements.* If payments are made through reimbursement or by Treasury check:

(1) Requests for reimbursements may be submitted monthly or more frequently if authorized to do so by the awarding agency. Ordinarily, payment

will be made within 30 days after receipt of a proper request for reimbursement.

(2) The recipient shall not request reimbursement for the Federal share of amounts withheld from contractors to ensure satisfactory completion of work until after it makes those payments.

(c) *Forms.* The forms for requesting advances or reimbursements are identified in subpart J of this part.

§ 3015.105 Payments to subrecipients.

Recipients shall observe the requirements of this subpart in making (or withholding) payments to subrecipients, with the following exceptions:

(a) Advanced payment by Treasury check may be used instead of letter of credit.

(b) The forms specified in subpart J of this part for requesting advances and reimbursements are not required to be used by subrecipients; and

(c) The reimbursement by check method may be used to pay any construction subgrant, whether or not USDA has agreed to use a letter of credit for all direct USDA grants to that same recipient.

Subpart M—Programmatic Changes and Budget Revisions

§ 3015.110 Scope and applicability.

(a) *Scope.* This subpart deals with prior approval requirements for post-award programmatic changes and budget revisions by recipients.

(b) *Exemption of mandatory grants.* Sections 3015.113 through 3015.115 do not apply to programmatic changes or budget revisions made by recipients under State plans or other grants which the awarding agency is required by law to award if the applicant meets all applicable requirements for entitlement. (These are generally called "mandatory" grants.)

(c) *Exemption of certain subgrants.* Sections 3015.113 through 3015.115 do not apply to subgrants from States to their local governments under a mandatory grant, if the local government is not required to apply for the subgrant on a project basis. Generally, such exempt subgrants will occur under a State plan which provides for local administration of a State-wide program under State supervision.

§ 3015.111 Cost principles.

(a) The cost principles prescribed by subpart T of this part require prior approval of certain types of costs. Except when waived, those prior approval requirements apply to all

grants and subgrants, whether or not § 3015.113 through § 3015.115 apply.

(b) Procedures for prior approvals required by the cost principles are in § 3015.196. Procedures for prior approvals required by this subpart are in § 3015.112.

§ 3015.112 Approval procedures.

(a) *For grants or cooperative agreements.* When requesting a prior approval required by this subpart, recipients shall address their requests to the responsible official of the awarding agency. Approvals shall not be valid unless they are in writing and signed by either the responsible officer, the head of the awarding agency, or the head of the awarding agency's regional office.

(b) *For subgrants.* Recipients shall be responsible for reviewing requests from their subrecipients for the approvals required by this subpart and for giving or denying the approval. A recipient shall not approve any action which is inconsistent with the purpose or terms of the Federal grant or cooperative agreement. If an action by a subrecipient will result in a change in the overall grant project or budget requiring approval from the awarding agency, the recipient shall obtain that approval before giving its approval to the subrecipient. Approvals shall not be valid unless they are in writing and signed by an authorized official of the recipient organization.

(c) *Timing.* Within 30 days from the date of receipt of a request for approval, the approval authority shall review the request and notify the recipient of its decision. If the request for approval is still under consideration at the end of 30 days, the approval authority shall inform the recipient in writing as to when to expect the decision.

§ 3015.113 Programmatic changes.

(a) *Scope.* This section contains requirements for prior approval of departures, other than budget revisions, from approved project plans. In addition to the requirements in this section, awarding parties may require prior approval for other kinds of programmatic changes to an approved cooperative agreement, grant, or subgrant project.

(b) *Changes to project scope or objectives.* The recipient shall obtain prior approval for any change to the scope or objectives of the approved project. (For construction projects, any material change in approved space utilization or functional layout shall be considered a change in scope.)

(c) *Changes in key people.* This section applies to grants, subgrants, and cooperative agreements for research.

This section does not apply to other types of grants, subgrants, or cooperative agreements unless other terms of the award make it apply. The recipient shall obtain prior approval:

(1) To continue the project during any continuous period of more than three months without the active direction of an approved project director or principal investigator,

(2) For its selection of a replacement for the project director or principal investigator,

(3) For its selection of a replacement for any other persons named and expressly designated as key project people in the grant, subgrant, or cooperative agreement award document, or

(4) To permit the project director or principal investigator (or anyone covered by paragraph (c)(3) of this section) to devote substantially less effort to the project than was anticipated when the award was made.

(d) *Transferring work and providing financial assistance to others.*

Recipients shall obtain prior approval for transferring to another party the actual performance of the substantive programmatic work, and for providing any form of financial assistance to another party.

(e) *Audiovisual activities.*

(1) Except to the extent explicitly included in the project plan approved at the time of award, using grant support for any of the following requires prior approval:

(i) Producing an audiovisual.

(ii) Buying ownership of any of the rights in the work embodied in the audiovisual. (This does not apply to merely buying a license in any of the rights. For the remainder of this section, buying ownership of the rights is referred to simply as buying or purchasing an audiovisual.)

(iii) Presenting or distributing to the general public an audiovisual that was produced or bought with grant support.

(2) Prior approval is not required for:

(i) Any audiovisual activity under a subgrant.

(ii) Any audiovisual whose direct production or purchase cost to the recipient is \$5,000 or less.

(iii) The production or purchase of an audiovisual as a research instrument or for documenting experimentation or findings, if the audiovisual is not intended for presentation or distribution to the general public.

(3) Following are examples of presentation or distribution of an audiovisual to the general public:

(i) Broadcast on commercial, cable, or educational television, or radio.

(ii) Showing in commercial motion picture theaters.

(iii) Showing in public places such as airports, waiting rooms, bus or railroad depots, and vacation resorts.

(iv) Showing to civic associations, schools (except when used as a teaching tool in a classroom setting), clubs, fraternal organizations, or similar lay groups.

§ 3015.114 Budgets—general.

(a) *Research and non-research project budgets.* For research and non-research projects which involve cost-sharing or matching, approved budgets shall ordinarily consist of a single set of figures covering total project cost (the sum of the awarding agency's share and the recipient's share). However, the awarding agency may specify that the recipient's share not be included in the approved budget. In no case, however, shall the approved budget be in the form of a separate set of figures for each share.

(b) *Subdivision by programmatic segments.* Some grants, subgrants, and cooperative agreements contain two or more programmatic segments (such as discrete programs, projects, functions, or types of activities). In these cases, the awarding agency may require that the approved budget be subdivided to show the anticipated cost of each programmatic segment.

§ 3015.115 Budget revisions.

(a) *Nonconstruction projects.* (1) Except as provided in paragraph (a)(2) of this section, the recipient of a grant, subgrant, or cooperative agreement having an approved budget shall obtain prior approval for any budget revision which will:

(i) Involve transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or

(ii) Involve transfer of amounts previously budgeted for student support (tuition waivers, stipends, and other payments to or for trainees), or

(iii) Result in a need for the award of additional funds, e.g., an increase in the base upon which indirect costs are calculated which will increase allocable indirect costs and result in a claim for a supplementary award.

(2) Any or all of the prior approval requirements in paragraph (a) of this section may be waived by the awarding agency.

(3) Except as provided in § 3015.116 other budget changes under nonconstruction grants do not require approval.

(b) *Construction projects.* Unless provided otherwise by the terms of the

grant, subgrant, or cooperative agreement, revisions to construction project budgets do not require approval.

§ 3015.116 Construction and nonconstruction work under the same grant, subgrant, or cooperative agreement.

When a grant, subgrant, or cooperative agreement provides support for both construction and nonconstruction work, the awarding agency may require prior approval for any fund or budget transfers between the two types of work.

Subpart N—Grant and Subgrant Closeout, Suspension and Termination

§ 3015.120 Closeout.

(a) Each grant or subgrant shall be closed out as soon as possible after expiration or notice of termination.

(b) The following shall apply when closing out USDA grants:

(1) Upon request from the recipient, and allowable reimbursable cost not covered by previous payments shall be promptly paid by USDA.

(2) Any unobligated balance of cash advanced to the recipient shall be immediately refunded to the awarding agency or managed in accordance with USDA instructions.

(3) Within a maximum period of 90 days following the date of expiration or termination of a grant, all financial performance and related reports required by the terms of the agreement shall be submitted to the awarding agency by the recipient. USDA reserves the option of extending the due date for any report upon receiving a justified request from the recipient and may waive any report that it considers to be unnecessary.

(4) The provisions formally expressed and agreed to within the grant arrangement shall dictate the settlement of any upward or downward adjustments of the Federal share of costs.

(c)(1) A grant closeout shall not affect the retention period for, or Federal rights of access to, grant records. (See subpart D of this part).

(2) The closeout of a grant does not affect the recipient's responsibilities regarding property under subpart R of this part or with respect to any program income the recipient is still accountable for under subpart F of this part.

(3) Final audits (see Attachment L, Circular A-102) are not a required part of the grant or subgrant closeout procedures. Normally, a final audit should not be needed unless there are problems with a grant or subgrant that require audit attention. If a USDA agency considers a final audit to be

necessary, it shall contact the OIG Region within which the recipient or subrecipient is located and inform OIG of the situation. OIG shall be responsible for assuring that necessary final audits are performed and for any necessary coordination with other Federal cognizant audit agencies, recipients or State and local auditors. Audits performed in accordance with subpart I may serve as final audits providing such audits meet the needs of the requesting agency.

(4) If a grant is closed out without audit, the awarding agency reserves the right to disallow and recover an appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.

§ 3015.121 Amounts payable to the Federal government.

The following outstanding sums for each grant shall be considered as a debt or debts owed by the recipient to the Federal government. They shall, if not paid upon demand, be subject to recovery by the awarding agency from the recipient or its successor or assignees by set off or other action provided by law:

(a) Any grant funds paid to the recipient by the Federal government which exceed the amount the recipient is finally determined to be entitled to under the provisions of the grant award;

(b) Any interest or other investment income earned on advances of grant funds which is due the Federal government;

(c) Any royalties or other special classes of program income which, under the provisions of the grant award, are required to be returned to the Federal government;

(d) Any amount the Federal government is entitled to under subpart R of this part; and

(e) Under the provisions of the grant award, any other amounts finally determined to be due to the Federal government.

§ 3015.122 Violation of terms.

(a) Whenever it is determined that the recipient has materially failed to comply with the provisions of the grant award, the awarding agency may suspend or terminate, in accordance with §§ 3015.123 and 3015.124, any grant in whole, or in part, at any time before the date of completion, or take such other remedies as may be legally available and appropriate.

(b) A grant may be suspended or terminated in the current period for failure to submit a report still due from a prior period. This action is applicable

when a project or program is supported over two or more funding periods.

§ 3015.123 Suspension.

(a) When a recipient has materially failed to comply with the provisions prescribed in the grant agreement, the awarding agency may, after reasonable notice to the recipient, suspend the grant in whole or in part. A suspension notice shall be issued by the awarding agency stating the reasons for the suspension, any corrective action required of the recipient, and the effective date.

Suspension may go into effect immediately if the awarding agency deems it necessary to protect its interest and if a delayed effective date would be unreasonable considering the awarding agency's responsibilities to protect the Federal government's interest.

Suspension shall remain in effect until the recipient has taken corrective action satisfactory to the awarding agency, or given evidence that such corrective action will be taken, or until the awarding agency terminates the grant.

(b) Unless specifically authorized by the awarding agency in the notice of suspension or subsequently expressed in an amendment to it, new obligations incurred by the recipient during the suspension period shall not be allowed. Necessary and otherwise allowable costs which the recipient could not reasonably avoid during the suspension period will be allowed, if they result from obligations properly incurred by the recipient before the effective date of the suspension and not in anticipation of suspension or termination. If the awarding agency approves, third party in-kind contributions applicable to the suspension period may be allowed in satisfaction of cost-sharing or matching requirements.

(c) During the suspension period, appropriate adjustments to payments under the suspended grant will be made by not giving credit to the recipient for disbursements made in payment of unauthorized obligations incurred during the suspension period or by withholding subsequent payments.

§ 3015.124 Termination.

(a) *Termination for cause.* The awarding agency may terminate any grant or other agreement in whole, or in part, at any time before the date of expiration, whenever it is determined that the recipient has materially failed to comply with the conditions of the agreement. The awarding agency shall promptly notify the recipient in writing of the determination and reasons for the termination, together with the effective date.

(b) *Termination on other grounds.* Except as provided in paragraph (a) of this section, grants may be terminated in whole, or in part, only as follows:

(1) When the awarding agency and recipient agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.

(2) By written notification by the recipient to the awarding agency setting forth the reasons for termination, the effective date, and, in the case of partial termination, the portion to be terminated. In the case of a partial termination, if the awarding agency decides that the remaining portion of the grant will not accomplish the purposes for which the grant was made, the awarding agency may terminate the award in its entirety under either paragraph (a) or paragraph (b)(1) of this section.

(c) *Termination settlements.* Upon termination of a grant, the recipient shall not incur any new obligations for the terminated portion of the agreement after the effective date, and shall cancel as many outstanding obligations as possible. The awarding agency, however, shall allow full credit to the recipient for the Federal share of the non-cancellable obligations properly incurred by the recipient prior to termination.

§ 3015.125 Applicability to subgrants.

Recipient subgrants shall be subjected to the same standards regarding closeout, suspension, and termination of subgrants as prescribed in this subpart for awarding agencies.

Subpart O [Reserved]

§ 3015.130 [Reserved]

Subpart P [Reserved]

§ 3015.140 [Reserved]

Subpart Q—Application for Federal Assistance

§ 3015.150 Scope and applicability.

(a) This subpart prescribes forms and instructions to be used by governmental organizations (except hospitals and institutions of higher education operated by a government) in applying to USDA for discretionary grants. This subpart is not applicable, however, to mandatory grants or programs which do not require applicants to apply to USDA for funds on a project basis.

(b) This subpart permits awarding agencies to prescribe the form of applications by nongovernmental organizations (including hospitals and institutions of higher education operated

by a government), but prescribes the use of a standard facesheet for certain of these applications.

(c) This subpart applies only to applications for grants or cooperative agreements and is not required to be applied by recipients in dealing with applicants for subgrants. However, recipients are encouraged not to adopt more detailed or burdensome application requirements for subgrants.

§ 3015.151 Authorized forms.

(a) Sections 3015.152 through 3015.156 specify the forms that governmental organizations shall use to apply to USDA for a discretionary grant.

(b) Governments need not submit more than the original and two copies of application forms. When less will suffice, the awarding agency will notify potential applicants.

(c) When a government agency amends a previously submitted application or applies for additional funding (such as a continuation or supplemental award) only the facesheet and any other affected pages are required to be submitted. Previously submitted pages whose information is still current may be resubmitted, but are not required to be resubmitted.

§ 3015.152 Preapplication for Federal assistance.

(a) When a government submits a preapplication, it shall use the Preapplication for Federal Assistance form prescribed by Circular A-102. The purposes of these preapplications shall be to:

(1) Establish communication between the potential applicant and the awarding agency;

(2) Determine the potential applicant's eligibility;

(3) Identify projects which have little or no chance for Federal funding before applicants incur significant costs for preparing an application.

(b) Preapplication is always required if the potential applicant is a government and the proposed project (1) is for construction, land acquisition, or land development, and (2) would require more than \$100,000 of Federal funding. If these conditions are not present, potential applicants need not submit preapplications unless required to do so by the awarding agency. Any government may submit a preapplication even when not required.

§ 3015.153 Notice of preapplication review action.

Awarding agencies shall inform governmental applicants of the results of their review of preapplications by using the Notice of Preapplication Review

Action form prescribed by Circular No. A-102. If the review cannot be completed within 45 days, the awarding agency shall inform the applicant, in writing, when it will complete the review.

§ 3015.154 Application for Federal Assistance (Nonconstruction Programs).

Governments shall use the Application for Federal Assistance (Nonconstruction Programs) form prescribed by OMB Circular No. A-102 in applying for discretionary grants unless a form specified in section 3015.155 or section 3015.156 is to be used.

§ 3015.155 Application for Federal Assistance (Construction Programs).

Governments shall use the Application for Federal Assistance (for Construction Programs) form prescribed by Circular No. A-102 in applying for any grant whose purpose is solely or primarily construction, land acquisition, or land development.

§ 3015.156 Application for Federal Assistance (Short Form).

Governments shall use the Application for Federal Assistance (Short Form) form prescribed by Circular No. A-102 in applying for any single-purpose, one-time grant of less than \$10,000 not requiring Circular A-95 clearinghouse review, an environmental impact statement or the relocation of persons, businesses, or farms. Awarding agencies may, at their discretion, authorize or require this form for applications for larger amounts.

§ 3015.157 Authorized form for nongovernmental organizations.

Nongovernmental organizations shall use application forms prescribed by the awarding agency. The facesheet of these applications shall be Standard Form 424.

Subpart R—Property

§ 3015.160 Scope and applicability.

(a) Except as explained in paragraphs (c), (d), and (e) of this section, this subpart applies to real property, equipment (including ADP) and supplies whose acquisition is supported by a grant.

(b) Also contained in this subpart are standards covering inventions, patents, and copyrights arising out of activities supported by a grant.

(c) This subpart does not apply to:

(1) Property for which only depreciation or use allowances are charged;

(2) Property donated entirely as a third party in-kind contribution; or

(3) Equipment or supplies acquired primarily for sale or rental, rather than for use.

(d) This subpart applies to equipment or supplies acquired by a contractor under a grant or subgrant only if, by terms of the contract, title vests in the recipient or subrecipient.

(e) For research grants that are subject to an institutional cost-sharing agreement, real property, equipment, and supplies shall be subject to this subpart only if at least some part of the acquisition cost is supported as a direct cost by Federal grant funds.

§ 3015.161 Additional requirements.

Provided they observe the requirements of this subpart, recipients may follow their own property management policies and procedures. Unless specifically required by Federal statutes or Executive Orders, awarding agencies may not impose on recipients property requirements (including property reporting requirements) not authorized by this subpart.

§ 3015.162 Title to real property, equipment and supplies.

Subject to the obligations and conditions specified in this subpart, title to real property, equipment, and supplies acquired under a grant or subgrant shall vest, upon acquisition, in the recipient or subrecipient, respectively. In certain cases, money due the Federal Government upon disposition of real property may be authorized to be used for allowable costs rather than paid to USDA. (See § 3015.173.)

§ 3015.163 Real property.

Except as stated otherwise by Federal statutes, real property applicable to this subpart shall be subject to the following requirements, in addition to any other requirements imposed by the provisions of the grant award:

(a) *Use.* The property shall be used for the originally authorized purpose as long as needed for that purpose. When no longer so needed, the awarding agency may approve the use of the property for other purposes. These uses shall be limited to:

(1) Projects or programs supported by other Federal grants or assistance agreements.

(2) Activities not supported by other Federal grants or assistance agreements but having purposes consistent with those of the legislation under which the original grant was made.

(b) *Transfer of title.* In accordance with paragraph (a) of this section, approval may be requested from the awarding agency to transfer title to an

eligible third party for continued use for authorized purposes. If approval is permissible under Federal statutes, and is given, the terms of the transfer shall provide that the transferee shall assume all the rights and obligations of the transferor set forth in this subpart or in other terms of the grant or subgrant.

(c) *Disposition.* When the real property is no longer to be used as provided in paragraphs (a) and (b) of this section, the disposition instructions of the awarding agency shall be followed. Those instructions will provide for one of the following alternatives:

(1) The property shall be sold and the Federal Government shall have a right to an amount computed by multiplying the Federal share of the property times the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). Proper sales procedures shall be followed which provide for competition to the extent practicable and result in the highest possible return.

(2) The recipient shall have the option either of selling the property in accordance with paragraph (c)(1) of this section or of retaining title. If title is retained, the Federal Government shall have a right to an amount computed by multiplying the market value of the property by the Federal share of the property.

(3) The recipient shall transfer the title to either the Federal Government or an eligible non-Federal party named by the awarding agency. The recipient shall be entitled to be paid an amount computed by multiplying the market value of the property by the non-Federal share of the property. In cases where the property belonged to a subrecipient, see § 3015.172 for the subrecipient's share.

§ 3015.164 Statutory exemptions for equipment and supplies.

(a) In certain circumstances some Federal statutes permit title to equipment or supplies acquired with grant funds to vest in the recipient without further obligation to the Federal government or on such terms and conditions as deemed appropriate. The Federal Grant and Cooperative Agreement Act of 1977, Public Law 95-224, is an example of such a statute. It provides this authority for equipment and supplies purchased with the funds of grants (and Federal contracts and cooperative agreements) for the conduct of basic or applied scientific research at non-profit institutions of higher education or at non-profit organizations whose primary purpose is the conduct of scientific research.

(b) If equipment is subject to a statute of the kind described in paragraph (a) of this section, it shall be exempt from the requirements in the remaining sections of this subpart. However, when an equipment item has a unit acquisition cost of \$1,000 or more, it shall be subject to § 3015.165 concerning rights to require transfer, and, while subject to such a right, to the rules on replacement in § 3015.167.

(c) If supplies are subject to a statute of the kind described in paragraph (a) of this section, they shall be exempt from all provisions of the remainder of this subpart which would otherwise apply.

§ 3015.165 Rights to require transfer of equipment.

(a) *USDA right.* The awarding agency shall have the right to require the transfer of equipment (including title) for items of equipment having a unit cost of \$1,000 or more to the Federal government or to an eligible non-Federal party named by the awarding agency. Normally, USDA agencies will only exercise this right if the project or program for which the equipment was acquired is transferred from one recipient to another. The following conditions shall govern this right:

(1) The property shall be appropriately identified in the grant award or otherwise made known to the recipient in writing.

(2) In order for the awarding agency to exercise the right, disposition instructions must be issued no later than 120 days after the end of USDA grant support for the project or program for which the equipment was acquired. Furthermore:

(i) If the equipment is eligible for the exemptions in § 3015.164 and ceases to be needed for the project or program for which it was acquired while the project or program is still being performed by the recipient, the disposition instructions must have been received by the recipient while the equipment was still needed for that project or program.

(ii) If the equipment is not eligible for those exemptions, disposition instructions must have been received by the recipient before other permissible disposition of the equipment took place in accordance with § 3015.168.

(3) If the right is exercised, the recipient shall be entitled to be paid any reasonable, resulting shipping or storage costs incurred, plus an amount computed by multiplying the market value of the equipment by the non-Federal share of the equipment.

(b) *Right of parties awarding subgrants.* A recipient may reserve for itself, when awarding a subgrant, rights

similar to those found in paragraph (a) of this section which covers items of equipment having a unit acquisition cost of \$1,000 or more which are acquired under that subgrant. Without the approval of the awarding agency, the right may be exercised only if the project or program for which the equipment was acquired is transferred to another subrecipient and only for the purpose of transferring the equipment to the new subrecipient for continued use in the project or program.

(c) *Equipment lists.* If at any time an awarding agency is considering exercising its right to require transfer of equipment, it may require the recipient to furnish it with a list of all items of equipment that are subject to the right. As such, the awarding agency will decide which items, if any, should be transferred.

§ 3015.165 Use of equipment.

(a) *Basic rule.* Whenever the equipment is not transferred under the provisions set forth in § 3015.165, it shall be used by the recipient in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When the equipment is no longer needed for the original project or program the recipient shall use the equipment, if needed, in other projects or programs currently or previously funded by the Federal government, in the following order of priority:

(1) Projects or programs currently or previously funded by the same awarding agency.

(2) Projects or programs currently or previously funded by any USDA awarding agency.

(3) Projects or programs currently or previously funded by other Federal agencies.

(b) *Shared use.* When equipment is used less than full time in the original project or program, the recipient shall make it available for use in other projects or programs currently or previously funded by the Federal government. Provided, such other use will not interfere with the work on the original project or program. First preference for such use, however, shall be given to other projects or programs funded by the same awarding agency.

(c) *Use by other recipients.* When the recipient can no longer use the equipment as required by paragraph (a) of this section, it may voluntarily make the equipment available for use on projects or programs currently or previously funded by the Federal government which the recipient is supporting through subgrants or through

non-Federal grants. A subrecipient may also voluntarily make the equipment available for use on projects or programs currently or previously funded by the Federal government which are being conducted or supported by the recipient.

(d) *Other uses.* Unless the awarding agency provides otherwise, while equipment is being used as described in the preceding paragraphs of this section, it may also be used part-time for other purposes. The use as described in the previous paragraphs, however, shall be given priority over other uses.

§ 3015.167 Replacement of equipment.

(a) If needed, equipment may be exchanged for replacement equipment. Replacement of equipment may be done either through trade-in or through sale and application of the proceeds to the acquisition cost of replacement equipment. In either case, the transaction must be one which a prudent person would make in like circumstances.

(b) If an additional outlay to acquire the replacement equipment is charged as a direct cost to either Federal funds or required cost-sharing or matching under a Federal award, the replacement equipment shall be subject to whatever property requirements or exemptions are applicable to that award. If the award is a grant from USDA, the full acquisition cost of the replacement equipment shall determine which provisions of this subpart apply.

(c) For any replacement not covered by paragraph (b) of this section, the provisions of this subpart applicable to the equipment replaced shall carry over the replacement equipment. None of the provisions of this subpart shall carry over if (1) the Federal share of the equipment replaced was 10 percent or less or (2) the product of that share times the amount received for trade-in or sale is \$100 or less.

§ 3015.168 Disposal of equipment.

When original or replacement equipment is no longer to be used in projects or programs currently or previously sponsored by the Federal government, disposal of the equipment shall be made as follows:

(a) Equipment with a unit acquisition cost of less than \$1,000 and equipment with no further use value may be sold, retained or otherwise disposed of with no further obligation to the Federal government.

All other equipment may be retained or sold. The Federal government shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the Federal share

of the equipment (see § 3015.172). If part of the Federal share of the equipment came from an award under which the exemptions in § 3015.164 were applicable, the amount due shall be reduced pro rata. In any case, if the equipment is sold, \$100 or 10 percent of the total sales proceeds, whichever is greater, may be deducted and retained from the amount otherwise due for selling and handling expenses. If the recipient's project or program for which or under which the equipment was acquired is still receiving grant support from the same Federal program and if the awarding agency approves, the net amount due may be used for allowable costs of that project or program. Otherwise, the net amount must be returned to the awarding agency by check or money order.

§ 3015.169 Equipment management requirements.

Procedures for managing equipment shall, as a minimum, meet the following requirements (including replacement equipment) until such actions as transfer, replacement or disposal takes place:

(a) Property records shall be maintained accurately. (Subpart D of this part contains retention and access requirements for these records.) The records shall include for each item of equipment the following:

(1) A description of the equipment including manufacturer's serial numbers.

(2) An identification number, such as the manufacturer's serial number.

(3) Identification of the grant under which the recipient acquired the equipment.

(4) The information needed to calculate the Federal share of the equipment (see § 3015.172).

(5) Acquisition date and unit acquisition cost.

(6) Location, use and condition of the equipment and the date the information was reported.

(7) All pertinent information on the ultimate transfer, replacement, or disposal of the equipment.

(b) Every two years, at a minimum, a physical inventory shall be conducted and the results reconciled with the property records to verify the existence, current utilization, and continued need for the equipment. Any discrepancies between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the differences.

(c) In order to insure adequate safeguards to prevent loss, damage or theft of equipment, a control system

shall be used. Any loss, damage or theft of equipment shall be investigated and fully documented.

(d) In order to keep the equipment in good condition, adequate maintenance procedures shall be implemented.

(e) Where equipment is to be sold and the Federal government is to have a right to part or all of the proceeds, selling procedures shall be established which will provide for competition to the extent practicable and result in the highest possible return.

§ 3015.170 Damage, loss, or theft of equipment.

(a) *Applicability.* This section applies to equipment with a unit acquisition cost of \$1,000 or more that, before disposal (see § 3015.168), is damaged beyond repair, lost, or stolen.

(b) *Recipient at fault.* (1) *Applicability.* This paragraph applies if:

(i) At the time of the damage, loss, or theft, the recipient does not have a control system in effect as required by § 3015.169, and

(ii) The damage, loss, or theft is not due to an act of God.

(2) *Equipment replaced.* If the equipment is replaced, the replacement is governed by § 3015.167. When that happens, the market value of the original equipment at the time it was damaged, lost or stolen is used instead of the amount received for trade-in or sale.

(3) *Equipment not replaced.* If the equipment is not replaced, the Federal government has a right to an amount calculated by multiplying the Federal share in the equipment by its market value at the time of damage, loss, or theft. The amount is reduced pro rata if part of the Federal share of the equipment comes from an award under which the exemption in § 3015.164 applied.

(4) *Other remedies.* The provisions in this paragraph (b) are in addition to other remedies available to the awarding agency if a recipient acquires equipment with grant support but fails to establish the control system required by § 3015.169.

(c) *Recipient not at fault.* (1) *Applicability.* This paragraph applies if:

(i) At the time of the damage, loss, theft, the recipient does have a control system in effect as required by § 3015.169(c) or

(ii) The damage, loss, or theft is due to an act of God.

(2) *Recipient not compensated.* If the recipient is not compensated for the damage, loss, or theft through insurance or some other means, there is no obligation to USDA for the equipment.

(3) *Recipient compensated.* If the recipient is compensated for the damage, loss, or theft and replaces the equipment, § 3015.167 applies to the replacement equipment. If the recipient is compensated but does not replace the equipment, § 3015.168 applies as though the recipient had sold the equipment. (All of § 3015.168 applies including the rule permitting the amount due the Federal government to be reduced by 10 percent of the proceeds or \$100, whichever is greater.) The amount received for trade-in or sale considered the lesser (i) the amount of compensation or (ii) the market value of the equipment at the time it was damaged, lost, or stolen.

(d) *Waivers.* The awarding agency may waive in whole or in part any provision of this section.

§ 3015.171 Unused supplies.

(a) If unused supplies exceeding \$1,000 in total aggregate market value are left over upon termination or expiration of the grant or subgrant for which they were acquired and the supplies are not needed for any project or program currently or previously funded by the Federal government, the grant shall be credited by an amount computed by multiplying the Federal share of the supplies times the current market value or, if the supplies are sold, the proceeds from sale. If the supplies are sold, 10 percent of the proceeds may be deducted and retained from the credit, for selling and handling expenses.

(b) For possible exemptions from this section, see § 3015.164.

§ 3015.172 Federal share of real property, equipment, and supplies.

This subpart contains principles necessary to determine the Federal (or non-Federal) share of real property, equipment or supplies.

(a) *General.* (1) Except as explained in the following paragraphs of this section, the Federal share of the property shall be the same percentage as the Federal share of the acquiring party's total cost under the grant during the grant or subgrant year (or other funding period) to which the acquisition cost of the property was charged. For this purpose, "costs under the grant" means allowable costs which are either supported by the grant or counted toward satisfying a cost-sharing or matching requirement of the grant. Only costs shall be counted, not the value of third party in-kind contributions. If the property was acquired by a recipient that awarded subgrants, costs incurred by its sub-recipients shall be included only to the extent supported by the subgrants.

(2) The provisions of some grant awards set different maximum percentages of Federal financial participation for different categories of costs. In these cases, for the purposes of this section, the costs in each category are considered as costs under a separate grant. If two categories have the same maximum percentage of Federal participation and costs in one category are permitted to count toward satisfying a cost-sharing or matching requirement of the other, they are a single category for the purposes of this rule. Also, all categories with a 100 percent rate are considered a single category for the purposes of this rule. (For example if a subrecipient incurred \$200,000 of the project costs, of which \$150,000 was supported by the subgrant, only the \$150,000 shall be included in the recipient's costs.)

(3) If the property is acquired by a subrecipient, the Federal share of the subrecipient's costs under the grant and hence of the property shall be calculated by multiplying the Federal share of the recipient's costs by the latter's share of the subrecipient's costs. (For example, if the Federal share of the recipient's costs is 50 percent of a subrecipient's costs, then the Federal share of that subrecipient's costs (and of the property acquired by the subrecipient) is 25 percent.)

(b) *Property acquired only partly under a grant.* (1) Sometimes only a part of the acquisition cost of an item of property is supported as a direct cost by the grant or counted as a direct cost towards a cost-sharing or matching requirement. Occasionally, the amount paid for the property is only a part of its value. The remainder is donated as an in-kind contribution by the party that provided the property.

(2) To determine the Federal share of such property, first calculate the Federal share of the acquiring party's total costs under the grant as explained in paragraph (a) of this section. Next multiply that share by the percentage of the property's acquisition cost (or its market value, if the item was partly donated) which was supported as a direct cost by the grant or counted as a direct cost towards a cost-sharing or matching requirement.

(c) *Replacement equipment.* To calculate the Federal share of replacement equipment the following procedures shall be followed:

(1) Step 1: Determine the Federal share (percentage) of the equipment replaced.

(2) Step 2: Determine the percentage of the replacement equipment's costs that was covered by the amount

received for trade-in or the sale proceeds from the equipment replaced.

(3) Step 3: Multiply the step 1 percentage by the step 2 percentage.

(4) Step 4: If an additional outlay for the replacement equipment was charged as a direct cost either to USDA grant funds or to required cost-sharing or matching funds, calculate the Federal share attributable to that additional outlay as explained in paragraph (b)(2) of this section. Add that additional percentage to the step 3 percentage.

§ 3015.173 Using or returning the Federal share.

(a) This section applies when, under §§ 3015.163, 3015.168 or 3015.170, the Federal government has a right to an amount of money upon disposal or loss, theft, or damage of property.

(b) If the recipient's project or program for which the property was acquired is still receiving grant support from the same Federal program, the awarding agency may authorize use of the net money due for allowable costs of that project or program.

(c) Otherwise, the net amount must be returned to the awarding agency by check or money order.

§ 3015.174 Subrecipient's share.

Where this subpart requires a sharing of the market value or sale proceeds of property acquired under a subgrant, the non-Federal share shall be proportionally divided between the recipient and the subrecipient. The subrecipient shall be entitled to the amount it would have received or retained if the award to it had been made directly by the Federal government. The remainder of the non-Federal share shall belong to the recipient.

§ 3015.175 Intangible personal property.

(a) *Inventions and patents.* Allocation of rights in inventions and patents shall be determined in accordance with 35 U.S.C. 202 through 204.

(b) *Copyrights.* (1) *Applicability.* This section applies to the copyright in any original work of authorship prepared with grant support. Additionally, if ownership of a copyright or of any of the exclusive rights comprising a copyright is purchased with grant support, this section applies to the purchased copyright or rights.

(2) *Basic rules.* (i) USDA reserves a royalty-free, nonexclusive, and irrevocable license to exercise, and to authorize others to exercise, the rights for Federal government purpose. Subject to this license, the owner is free to exercise, preserve, or transfer all its rights. The recipient shall ensure that no

agreement is entered into for transferring the rights which would conflict with the nonexclusive license of USDA.

(ii) One way that USDA may exercise its nonexclusive license is to authorize exercise of the rights in another project or activity that receives or has received grant support from the Federal government. That would be considered "for Federal government purposes."

(iii) A recipient awarding a subgrant is allowed to impose subgrant terms reserving a nonexclusive license for itself, similar to the one reserved by this section for USDA, with respect to any copyright or rights subject to this section that arise under the subgrant.

(c) *Exceptions.* It is permissible for the other provisions of a grant award to restrict the owner from exercising, preserving, or transferring the rights. For a subgrant, the restrictions may be in the provisions of the grant or subgrant or both.

Subpart S—Procurement

§ 3015.180 Scope and applicability.

(a) This subpart contains information for complying with Attachment O, "Procurement Standards", of OMB Circulars A-102 and A-110. Circular A-102 covers grant and cooperative agreement programs with State and local governments and Indian Tribal governments. Circular A-110 covers grant and cooperative agreement programs with institutions of higher education, hospitals, and other nonprofit organizations. Copies of both circulars may be obtained from O&F.

(b) This subpart applies to recipient procurements (by purchase, rental, or barter) of supplies, equipment, and services (including construction).

(c) This subpart applies only to procurements that are supported by a grant or cooperative agreement.

(d) This subpart does not apply to procurements of land, existing land improvements or structures, or any other existing real property.

(e) The Attachments O of Circulars A-102 and A-110 apply to procurements under subgrants as well as grants.

§ 3015.181 Standards of conduct.

(a) Recipients shall maintain the following standards of conduct governing the performance of their officers, employees or agents engaged in awarding and administering contracts using Federal funds:

(1) No employee, officer or agent shall participate in the selection, award, or administration of contracts using Federal funds where to his knowledge, such employee, officer or agent or his

immediate family, partners or organizations has a financial interest in, is negotiating with, or has any arrangements concerning prospective employment with the proposed contractor.

(2) The recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or proposed contractors.

(3) Provisions shall be made for disciplinary actions against the recipient's officers, employees, or agents or by contractors or their agents violating the standards of conduct.

(b) Awarding agencies may review the written standards of conduct to determine if they meet the minimum standards of Attachment O of OMB Circulars A-110 and A-102. Recipients will be notified of deficiencies and make corrective action.

§ 3015.182 Open and free competition.

All procurement transactions, regardless of dollar value or whether negotiated or advertised, shall be conducted to provide maximum open and free competition.

§ 3015.183 Access to contractor records.

The Attachment O requires recipients to include in specified kinds of contracts a provision for access to the contractor's records by the recipient and the Federal government. The following applies to the provision:

(a) The provision must require the contractor to place the same provision in any subcontract which would have to have the provision were it awarded by the recipient.

(b) The provision must require retention of records for three years after final payment is made under the contract or subcontract and all pending matters are closed. The provision must also require, that, if an audit, litigation, or other action involving the records is started before the end of the three year period, the records must be retained until all issues arising out of the action are resolved or until the end of the three year period, whichever is later.

(c) In contracts and subcontracts under a subgrant, the provision must require that access to the records be provided to the recipient as well as the subrecipient and the Federal government.

§ 3015.184 Equal employment opportunity.

(a) The Attachment O requires recipients to include in contracts in excess of \$10,000 a provision requiring compliance with Executive Order 11246, concerning equal employment

opportunity, a supplemented in Department of Labor regulations (41 CFR Chapter 60). For USDA grants and subgrants, this requirement applies only if the contract is for construction, as construction is defined in those Department of Labor supplementing regulations.

(b) If construction is to be assisted by a grant or subgrant, the Executive Order and the Department of Labor supplementing regulations apply, unless an exemption is granted by or under those regulations. Recipients shall observe all applicable requirements of the Order and regulations and include in their nonexempt construction contracts the specific clauses prescribed by 41 CFR 60-1.4(b) and, if applicable, 41 CFR 60-4.3.

Subpart T—Cost Principles

§ 3015.190 Scope.

This subpart makes the allowable costs incurred by the recipient the maximum amount of money a recipient is entitled to receive from USDA. In addition, this subpart identifies the principles to be used in determining allowable costs. These cost principles shall apply to transactions and activities conducted under grants, subgrants, cooperative agreements, cost-type contracts and cost-type subcontracts under grants.

(a) *Allowable costs.* Grant funds may be used only for allowable costs of the activities for which the grant was awarded. This means that the total amount of money that the recipient is entitled to receive from USDA may not exceed the allowable costs incurred by the recipient for those activities.

(b) The following rules apply in computing maximum allowable costs:

(1) *Third party in-kind contributions.* Because they are not allowable costs of the party that receives them, the value of third party in-kind contributions received may not be included in determining maximum allowable costs. However, as provided in subpart G of this part, third party in-kind contributions may count towards satisfying a cost-sharing or matching requirement of the Federal grant.

(2) *Costs supported by another grant.* Allowable costs incurred by the recipient and supported by another Federal grant (or by a non-Federal grant) awarded to the recipient may not be included in determining maximum allowable costs. The basic intent of this rule is to prevent double compensation. It does not, however, prevent proration of costs that are allowable under two or more awards.

(3) *Costs used to match another Federal grant.* A cost that the recipient uses to meet a cost-sharing or matching requirement of one Federal grant may not count towards determining maximum allowable costs under another Federal grant, unless specifically authorized by a Federal statute.

(4) *Costs supported by general program income.* A grant may not pay for a cost which is supported by general program income earned by the recipient or by a subrecipient under the grant. Therefore, these costs may not be included in determining maximum allowable costs.

(5) *Use of money due Federal government.* In accordance with § 3015.173, an awarding agency, under certain circumstances, may authorize a recipient to use certain money due the Federal government for allowable costs of the project or programs, instead of returning the money to the Federal government. Costs supported by the money may not be included as part of the maximum allowable costs charged to USDA.

(6) *Subgrant and contract costs.* The recipient's allowable costs include allowable outlays, if any, to its subrecipients and contractors. If the recipient pays a subrecipient more than the allowable costs incurred by the subrecipient, the excess is not an allowable cost of the recipient and may not be included as part of the maximum allowable costs charged to USDA. However, for cost-type contracts a reasonable fee or profit paid by the recipient to the contractor, in addition to the contractor's allowable costs, may be included in this maximum unless prohibited by the provisions of the grant award.

§ 3015.191 Governments.

(a) OMB Circular No. A-87, and any subsequent amendments to this Circular published in the Federal Register by OMB, shall be used in determining the allowable costs of activities conducted by governments.

(b) Additional amendments to the Circular, unless otherwise prescribed by OMB, shall go into effect at the start of a government's first fiscal year following the amendment's publication in the Federal Register.

§ 3015.192 Institutions of higher education.

(a) OMB Circular No. A-21, including any amendments to the Circular published in the Federal Register by OMB, shall be used in determining the allowable costs of activities conducted by institutions of higher education (other than for-profit institutions).

(b) Additional amendments to the Circular, unless otherwise prescribed by OMB, shall go into effect at the start of an institution's first fiscal year following the amendment's publication in the Federal Register.

§ 3015.193 Other non-profit organizations.

(a) OMB Circular No. A-122, including any subsequent amendments to the Circulars published in the Federal Register by OMB, shall be used in determining the allowable costs of activities conducted by nonprofit organizations under grants, cooperative agreements, cost reimbursement contracts, and other contracts in which costs are used in pricing, administration, or settlement. It does not apply to colleges or universities which are covered by Circular A-21; State, local and Federally recognized Indian tribal governments which are covered by Circular A-87, or hospitals.

(b) Future amendments to the Circular, unless otherwise prescribed by OMB, shall go into effect at the time the initial award is made to the recipient.

§ 3015.194 For-profit organizations.

The principles to be used in determining the allowable costs of activities conducted by for-profit organizations are contained in the Federal Procurement Regulations at 41 CFR subpart 1-15.2. Exception: Independent research and development costs including the indirect costs allocable to them are unallowable. Independent research and development are defined in the Federal Procurement Regulations at 41 CFR 1-15.205-35.

§ 3015.195 Subgrants and cost-type contracts.

USDA cost principles applicable to a cost-type contractor or subrecipient will not necessarily be the same as those applicable to the recipient. For example, where a State government awards a subrecipient or cost-type contract to an institution of higher education, OMB Circular A-21 would apply to the costs incurred by the institution of higher education even though OMB Circular A-87 would apply to the costs incurred by the State.

§ 3015.196 Costs allowable with approval.

Each set of cost principles specifically identifies certain costs that, in order to be allowable, must be approved by the awarding agency. Other costs do not require approval. The following procedures govern approval of these costs:

(a) When costs are allocated in accordance with a government-wide cost allocation plan or when treated as

indirect costs, acceptance of the costs as part of the indirect cost rate or cost allocation plan shall constitute approval.

(b)(1) All direct costs must be approved in advance by the awarding agency.

(2) When costs are specified in the budget, approval of the budget shall constitute approval of the cost.

(3) Specific prior approval in writing from the awarding agency is required if the costs are not specified in the budget, or there is no approved budget. For this purpose the prior approval procedures of subpart M shall be followed, except that, for formula or mandatory grants, the awarding agency's written approval may be signed by any authorized official of the awarding agency.

(c) The awarding agency may waive or conditionally waive the requirement for its approval of the costs. A waiver, as such, shall be applicable only to the requirement for approval. If it is determined, by audit or otherwise, that the costs do not meet other requirements or tests for allowability specified by the applicable cost principles, such as reasonableness and necessity, the costs may be disallowed.

(d) In the case of subgrants and cost-type contracts, no approval shall be given which is inconsistent with the purpose or the provisions of the Federal grant.

Subpart U—Miscellaneous

§ 3015.200 Acknowledgement of support on publications and audiovisuals.

(a) *Definitions.* Appendix A defines "audiovisual," "production of an audiovisual," and "publication."

(b) *Publications.* Recipients shall have an acknowledgement of awarding agency support placed on any publications written or published with grant support and, if feasible, on any publication reporting the results of, or describing, a grant-supported activity.

(c) *Audiovisuals.* Recipients shall have an acknowledgement of awarding agency support placed on any audiovisual which is produced with grant support and which has a direct production cost to the recipient of over \$5,000. Unless the other provisions of the grant award make it apply, this requirement does not apply to:

(1) Audiovisuals produced under mandatory grants or under subgrants.

(2) Audiovisuals produced as research instruments or for documenting experimentation or findings and not intended for presentation or distribution to the general public.

(d) *Waivers.* Awarding agencies may waive any requirement of this section.

§ 3015.201 Use of consultants.

(a) *Definition.* Appendix A defines "consultant."

(b) *Applicability.* This section applies only to the use of consultants whose fees are supported by a grant, subgrant, or cost-type contract.

(c) *Basic policy.*

(1) *Prior approval.* Awarding agencies shall not require prior approval for the use of consultants.

(2) *Exceptions.* (i) In unusual cases, using a consultant may constitute a transfer of substantive programmatic work, which requires prior approval under discretionary grants. (ii) Consulting fees paid by an organization to its own employees require prior approval.

(d) *Use of an organization's own employees.* (1) *Faculty members of education institutions.* Charges representing extra compensation (above base salary) paid by an educational institution to a salaried member of its faculty for consulting work are allowable only in unusual cases, and only if both of the following conditions exist:

(i) The consultation is across departmental lines or involves a separate or remote operation; and

(ii) The work performed by the consultant is in addition to his or her regular departmental load.

(2) *All other cases.* In all other cases, consulting fees paid in addition to salary by recipients or cost-type contractors to people who are also their employees may be supported by a grant, subgrant, or cost-type contract only in unusual cases, and only if all of the following three conditions exist:

(i) The policies of the recipient or contractor permit such consulting fee payments to its own employees regardless of whether Federal grant funds are involved;

(ii) The work involved is clearly outside the scope of the person's salaried employment; and

(iii) It would be inappropriate or not feasible to compensate for the additional work by paying additional salary to the employee.

(3) *Requirement for approval.* Consulting fees paid under this section must have specific prior approval in writing from the Head of the recipient or contractor or from his or her designated representative. If the recipient or contractor is a government, the approval may be given by the Head (or a designated representative of the Head) of the government agency which is primarily responsible for administering or carrying out the project or program. If the designated representative is personally involved in the project or

program under consideration, the approval may be given only by the Head. If the Head is personally involved in the project or program under consideration, prior approval from the awarding agency is required. Such prior approval must include a determination that the applicable requirements in paragraph (d) (1) or (2) of this section are present.

(e) *Documentation standards.* (1) Charges for consulting payments must be supported in the records of the recipient or cost-type contractor by an invoice from the consultant and a copy of the written report (if a report is appropriate) from the consultant.

(2) If any of the following information is not shown on the invoice and/or report from the consultant, the information must be shown in a memorandum or other document prepared by the recipient or contractor for its files, or noted in handwriting on the consultant's invoice by the recipient or contractor. The memorandum, other document, or handwritten notation must be signed by an official of the recipient or contractor and show:

(i) The name of the consultant;

(ii) The nature of the services provided (such as statistical analysis of data, participation on project advisory committee, or specified medical services to eligible beneficiaries);

(iii) The relevance of the services to the project or program, if not apparent from the nature of the services; and

(iv) Whichever of the following is applicable:

(A) (If the fee was based on a rate per day or hour worked) the rate and the dates and/or hours worked;

(B) (If the fee was based on a rate per unit of service provided, such as a number of patients examined by a physician) the rate, the number of units of service provided, and the beginning and ending dates of the overall period of service; or

(C) (If the fee was determined on some other basis) the basis for determining the fee and the beginning and ending dates of the period in which services were provided.

§ 3015.202 Limits on total payments to the recipient.

(a) This section summarizes the four most widely applicable limits on the total amount of money the recipient is entitled to receive from USDA as a result of a grant. It is permissible for the terms of a grant to provide one or more additional limits.

(b) For each grant, the lowest of the applicable limits is the one that governs

the final settlement upon expiration or termination of the grant.

(c) The following two limits apply to every grant:

(1) The amount of Federal funds authorized.

(2) The Federal share of the allowable costs incurred by the recipient.

(d) Grants that require a specified percentage of cost-sharing or matching are subject to the limit described in subpart G.

(e) For each budget period of an incrementally funded discretionary grant, the Federal share of that period's approved budget is a limit.

§ 3015.203 OMB Circular A-95

(a) *Part I—Project notification and review system (PNRS).* (1) Except as noted in paragraph (a)(4) of this section, applicants desiring Federal assistance must notify the appropriate State and areawide clearinghouses of their intention to apply for USDA funds.

Clearinghouses have 30 days to review and comment on this notification of intent (NOI) which summarizes the proposed project. Clearinghouses may have another 30 days to review and comment on a completed application from the applicant. In cases where a completed application is initially submitted in lieu of a NOI, the clearinghouses will have a 60 day review and comment period. Clearinghouse comments must be submitted with applications to USDA.

(2) USDA agencies may not award grants for projects that are covered by Circular A-95 until the applicant has complied with those requirements.

(3) The kinds of projects covered by the project notification and review system are described in the A-95 Circular.

(4) Applicants desiring USDA housing assistance for projects involving new construction or substantial rehabilitation may submit an application to USDA rather than to a clearinghouse. In this case, USDA will transmit a copy of the application to the appropriate State and areawide clearinghouse for a 30 day review and comment period.

(b) *Part II—Direct federal development.* USDA agencies engaged in direct development of Federal projects must consult with State and local governments and environmental agencies that might be affected by those projects. State and areawide clearinghouses must be used to the greatest extent practicable in suring State and local views and comments.

(c) *Part III—Review of State plans.* Before a State submits a State plan or any amendment to USDA for approval, the State shall give its Governor or his

designated agency 45 days to comment. The Governor's comments shall be submitted with the plan or amendment. If the Governor does not comment, the State official submitting the plan or amendment shall certify to the awarding agency that the governor was given 45 days to comment, but did not comment.

(d) *Part IV—Coordination of planning in multijurisdictional areas.* USDA agencies responsible for areawide planning programs must assure coordination of planning in multijurisdictional areas as prescribed by Part IV of Circular A-95.

§ 3015.204 Federal Register publications.

(a) *Program regulations.* Most grant programs have program-specific regulations, which are published in the Federal Register and codified in the Code of Federal Regulations. In some cases the program-specific regulations are promulgated in the form of agency directives or manuals which may be obtained from the awarding agency.

(b) *Program announcements.* For each program, the awarding agency may publish in the Federal Register one or more program announcements. Program announcements invite applications for one of more stated program objectives. They include at least the following information:

(1) An estimate of how much money will be available for competing awards, and the expected size of the awards, broken down by subprogram or priority area when appropriate;

(2) Who is eligible;

(3) How to obtain application kits;

(4) Where to submit applications; and

(5) The deadline for submitting applications.

(c) *Cooperative agreements.* If any or all of the awards are likely to be cooperative agreements rather than grants, the program announcement so states. In that case, if feasible, the program announcement also describes the anticipated substantial Federal involvement in performance. (This paragraph does not prevent the award of cooperative agreements under a program announcement that mentioned only grants. Nor does it prevent the award of grants under a program announcement that mentioned only cooperative agreements.)

(d) *Evaluation criteria.* The awarding agency publishes its criteria for evaluating grant applications either in the program regulations or the program announcement. If the criteria are not all equal in importance, their relative weights are also published. The criteria cover at least the following factors (except where the nature of the eligible

projects makes one or more of these factors irrelevant):

(1) How well qualified the project's personnel will be;

(2) The adequacy of the applicant's facilities and resources;

(3) The adequacy of the project plan or methodology;

(4) The cost-effectiveness of the project; and

(5) How closely the project objectives fit the objectives for which applications were invited.

(e) *Funding priorities.* If the awarding agency will give priority to one or more particular kinds of projects, the priority (and how it will be applied in deciding which applications to fund) is described in the program announcement.

(f) *Competing continuations vs. "new" projects.* If the awarding agency will give a preference to competing continuation applications over applications for projects not already receiving support under the program, or vice versa, the preference is described in the program announcement.

(g) *Programs with few potential applicants.* In some programs the number of potential applicants is relatively small. (For example, in some programs only the States are eligible.) In these situations the awarding agency may send a copy of the program announcement directly to every potential applicant instead of publishing it in the Federal Register.

(h) *Register—Other information which is available.* In addition to the items specified above, each awarding Agency makes available to the public the following information and materials for each program:

(1) A copy of, or reference to, the authorizing statutes for the program;

(2) All guidelines of general applicability for administration of the program;

(3) A description of the procedures the awarding agency will use for evaluating applications; and

(4) Any other information that the awarding agency believes will be helpful.

(i) *Consultation with applicants.* Each awarding agency publishes as much information as practicable to reduce the need for consultation by applicants. If the awarding agency does provide consultation, its staff members try to give consistent interpretations and fair treatment to all requestors.

Appendix A—Definitions

Section I. "Grant" and "Cooperative Agreement"

(a) "Grant" unless qualified by "non-Federal" means an award by the Federal

government of money or property instead of money, with the following characteristics:

(1) The principal purpose of the award is to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal government; and

(2) At the time the award is made, no substantial involvement is anticipated between the executive agency, acting for the Federal government, and the State or local government or other recipient during performance of the contemplated activity.

(b) "Cooperative agreement" has the same meaning as "grant," except that, at the time a cooperative agreement is awarded, substantial involvement is anticipated between the executive agency, acting for the Federal government, and the State or local government or other recipient during performance of the contemplated activity.

(c) "Grants" and "cooperative agreements" do not include technical assistance, which provides services instead of money; revenue sharing; loans; loan guarantees; capital contributions to loan funds; interest subsidies; insurance; or direct appropriations. (See the definition of "Non-Federal grant" in Section II of this appendix.)

Section II. Other definitions.

"Acquisition" of property includes purchase, construction, or fabrication of property. It does not include rental of property or alterations and renovations of real property.

"Acquisition cost" of an item of purchased equipment means the net invoice price of the equipment. It includes the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the equipment useable for the purpose for which it was acquired. Other charges, such as the cost of installation, transportation, taxes, duty, or protective in-transit insurance shall be included in or excluded from the unit acquisition cost in accordance with the regular accounting practices of the organization purchasing the equipment.

If an item of equipment is acquired by trading in another item and paying an additional amount, "acquisition cost" means the amount received for trade-in plus the additional outlay. (See the definition of "amount received for trade-in.") Acquisition of property includes purchase, construction, or fabrication of property. It does not include rental of property or alterations and renovations of real property.

For purposes of the rules on equipment and supplies, "acquisition cost" of a copy of a work of authorship (such as a book, print of a motion picture, or tape of a television program) refers to the cost of fabricating or purchasing the individual copy, considered as a material object. It does not include the cost of developing, or acquiring rights to, the work embodied in the copy.

"Advance by Treasury check" is a payment made by a Treasury check to a recipient of a grant or cooperative agreement, before payments are made by the recipient of the grant or cooperative agreement. Advances by Treasury check are based on either a periodic request from the recipient or a predetermined payment schedule.

"Amount received for trade-in" of an item of equipment traded in for replacement equipment means the amount that would have been paid for the replacement equipment without a trade-in, minus the amount paid with the trade-in. The term refers to the actual difference, not necessarily the trade-in value, shown on an invoice. For example, suppose that a recipient can buy a new machine for \$5,000 in cash. The recipient actually buys this machine by trading in a used machine and paying \$3,000 in cash. In this case, the amount received for trade-in would be \$2,000 (\$5,000 minus \$3,000) regardless of the trade-in allowance shown on the invoice.

"Approved budget" means a budget (including any revised budget) which has been approved in writing by the awarding agency. (See the definition of "budget.")

"Audiovisual" means a product containing visual imagery or sound or both. Examples of audiovisuals are motion pictures, live or prerecorded radio or television programs, slide shows, filmstrips, audio recordings, and multimedia presentations.

"Awarding agency" means (1) for grants and cooperative agreements, the USDA agency making the award and (2) for subgrants, the recipient.

"Bid guarantee" means a firm commitment such as a bid bond, certified check, or other negotiable instrument, accompanying a bid as assurance that the bidder will, if its bid is accepted, execute the required contractual documents within the time specified.

"Budget" means the recipient's financial expenditure plan approved by the awarding agency to carry out the purposes of the Federally-supported project. The budget is comprised of both the Federal share and any non-Federal share of such plan and any subsequent authorized rebudgeting of funds.

For those programs that do not involve Federal approval of the non-Federal share of costs, such as research grants, the term "budget" means the financial expenditure plan approved by the awarding agency including any subsequent authorized rebudgeting of funds, for the use of Federal funds only. Any expenditures charged to an approved budget consisting of Federal and non-Federal shares are deemed to be supported by the grant in the same proportion as the percentage of Federal/non-Federal participation in the overall budget.

"Budget Period" means the period specified in the grant or cooperative agreement during which Federal funds awarded are authorized to be expended, obligated, or firmly committed by the recipient for the purposes specified in the agreement.

"Closeout" of a grant or cooperative agreement means the process by which an awarding agency determines that all applicable administrative actions and all required work of the grant or cooperative agreement have been completed by the recipient and the awarding agency.

"Consultant" means a person who gives advice or services for a fee, but not as an employee. The term includes guest speakers when not acting as employees of the party that engages them. Note that in unusual cases it is possible for a person to be both an employee and a consultant at the same time. (See § 3015.196.)

"Contract" means a procurement contract awarded under a grant, cooperative agreement, or subgrant; and "subcontract" means a procurement subcontract under such a contract. Procurement contracts and subcontracts are ones which place the parties in a buyer-seller relationship, regardless of the label used by the parties to describe the relationship (e.g., purchase-of-service agreement). The terms "contract" and "subcontract" do not include any agreements between organizational components of the same legal entity, even if one of the components provides property or services to or for the other. (See definitions of "subgrant," "cost-type contract," and "fixed price contract.")

"Cost-sharing" and "matching" each mean the value of third party in-kind contributions plus that portion of the allowable costs of recipients not supported by the Federal government. (The terms "cost-sharing" and "matching," in this part, are synonymous.)

"Cost-type contract" means a contract or subcontract in which the contractor or subcontractor is paid on the basis of the costs it incurs. The term includes cost-plus-fixed-fee contracts and subcontracts. However, the term does not include any subcontracts under a fixed-price contract or subcontract. (See the definitions of "contract" and "fixed-price contract.")

"Discretionary" grants and cooperative agreements are ones which a Federal statute authorizes but does not require USDA to award.

"Equipment" means an article of tangible personal property that has a useful life of more than two years and acquisition cost of \$500 or more. Any recipient may use its own definition of equipment if its definition would at least include all items of equipment as defined here.

"Expenditure report" means (1) for nonconstruction awards, the "Financial Status Report" (or other equivalent report); (2) for construction awards, the "Outlay Report and Request for Reimbursement for Construction Programs" (or other equivalent report).

"Federal funds authorized" means the total amount of Federal funds obligated by the Federal government for use by the recipient. This amount is a limit on the total amount of money that the recipient is entitled to receive from the Federal government as a result of the award. In addition to this limit, there are other limits. Refer to § 3015.197 for a summary of these.

"Federally recognized Indian Tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided by him or her through the Bureau of Indian Affairs.

"Fidelity bond" means a bond indemnifying the recipient against losses resulting from the fraud or lack of integrity, honesty or fidelity of one or more employees.

officers or other persons holding a position of trust.

"Fixed-price contract" means any contract except a cost-type contract. The term includes firm-fixed price contracts. It also includes contracts under which the contractor is paid at a fixed rate per unit of service or unit of labor time. (See the definitions of "contract" and "cost-type contract.")

"General program income" means all program income except the special categories treated in §§ 3015.43 through 3015.46. The term "general program income" is limited to amounts that accrue to a recipient of grant or cooperative agreement during the period of Federally assisted support, or to a subrecipient during the period of sub-award support.

"Local government" means a local unit of government including specifically, a county, municipality, city, town, township, local public authority, school district, special district, intra-state district, council of governments (whether or not incorporated as a nonprofit corporation under State law), sponsor or sponsoring local organization of a watershed project (as defined in 7 CFR 620.2, 40 FR 12472, March 19, 1974), any other regional or interstate government entity, or any agency or instrumentality of a local government.

"Mandatory" grants and cooperative agreements are ones which a Federal statute requires USDA to award if the applicant meets specified conditions.

"Non-Federal grant" means an award of financial assistance in the form of money which includes no Federal funds, and for which the recipient must account to the donor on an actual cost basis. The term does not include any award that would be excluded from the definitions of "grant" and "cooperative agreement" if it were made by the Federal government.

"Obligations" means the amounts of orders placed, contracts and subgrants awarded, services received, and similar transactions during a given period, which will require payment during the same or future period.

"O&F" means the Office of Operations and Finance, which is an organizational component in USDA reporting to the Assistant Secretary for Administration.

"OMB" means the Office of Management and Budget in the Executive Office of the President.

"Outlays" means charges made to the grant project or program. Outlays may be reported on a cash or accrual basis.

"Payment bond" means a bond executed in connection with a contract, to assure payment as required by law of all persons supplying labor and materials in the execution of the work provided in the contract.

"Percentage of completion method" refers to a system under which payments are made for construction work according to the percentage of completion of the work, instead of the recipient's rate of disbursements.

"Performance bond" means a bond executed in connection with a contract to secure fulfillment of all the contractor's obligations under the contract.

"Personal property" means property of any kind except real property. It may be

tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

"Production of an audiovisual" means any of the steps that lead to a finished audiovisual, including design, layout, script-writing, filming, editing, fabrication, sound recording, or taping. The term does not include the placing of captions for the hearing impaired on films or videotapes not originally produced for use with the hearing impaired.

"Program income" means gross income earned by a recipient from activities supported by a grant or cooperative agreement. (See definition of "supported by a grant or cooperative agreement.") It includes but is not limited to income in the form of fees for services performed during the life of the grant, cooperative agreement, or subgrant, proceeds from sale of tangible personal or real property, usage or rental fees, and patent or copyright royalties. If income meets this definition, it shall be considered program income regardless of the method used to calculate the amount paid to the recipient whether, for example, by a cost-reimbursement method or fixed price arrangement. Nor will the income's classification as program income be affected by the fact that the recipient earns it from a procurement contract awarded to the recipient (1) by the Federal government or (2) by another recipient acting under another Federal grant, cooperative agreement, or subgrant.

The following are not considered program income:

(1) "Revenues" raised by a government recipient under its governing powers, such as taxes, special assessments, levies, and fines. (However, the receipt and expenditure of these revenues shall be recorded as a part of the transactions of the Federally-assisted project or program when the revenues are specifically earmarked for the project in accordance with the terms of the grant, cooperative agreement, or subgrant.)

(2) Tuition and related fees received by an institution of higher education for a regularly offered course taught by an employee performing under a grant, cooperative agreement, or subgrant.

(3) Income earned by contractors or subcontractors.

(4) Internal reimbursements or transfers of funds between organizational components of the same legal entity (e.g., between agencies of the same government).

(5) Third party in-kind contributions.

(6) Gifts or financial assistance from another source, such as (i) a non-Federal grant, (ii) another Federal grant, and (iii) charitable contributions (whether or not for a restricted purpose), and

(7) Interest or other investment income earned from investing advances of Federal cash. (This kind of income is treated in § 3015.47.)

"Project period" means the total time for which the recipient's project or program is approved for support including any extensions. Project periods may consist of one or more budget periods.

"Publication" means a published book, periodical, pamphlet, brochure, flier, or similar item. It does not include any audiovisuals.

"Real property" means land, land improvements, structures, and things attached to them so as to become a part of them. Movable machinery and other kinds of equipment are not real property. If a question comes up about whether certain property should be classified as real property, the law of the State or foreign country in which the property is located governs.

"Recipient" means a State or local government, Federally recognized Indian Tribe, university, non-profit, for-profit, or other organization that is a recipient of grants or cooperative agreements from a USDA agency.

"Replacement equipment" means property acquired to take the place of other equipment. To qualify as replacement equipment, it must serve the same function as the equipment replaced and must be of the same nature or character, although not necessarily the same model, grade, or quality.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory, possession, or trust territory of the United States, or any agency or instrumentality of a State. The term does not include local governments.

"Subgrant" means an award of money, or property instead of money, which:

(1) is made under a grant or cooperative agreement by the recipient of the grant or cooperative agreement; and
(2) is made principally to accomplish a purpose of support of stimulation rather than to establish a buyer-seller relationship between the two parties.

Any award which meets that definition is a subgrant even if the parties to the award use some other label such as "grant," "agreement," "cooperative agreement," "contract," "allotment," or "delegation agreement." Also, if the award meets that definition, it is a subgrant whether or not the awarding agency is expected to be substantially involved in its performance. However, the term "subgrant" does not include any type of assistance which is excluded from the definitions of "grant" and "cooperative agreement" by Section I(c) of this Appendix.

"Supplies" means all tangible personal property other than equipment.

"Supported by a grant or cooperative agreement," as applied to a cost or an activity, means that the cost or the cost of the activity is entirely or partly (1) treated as a direct cost under a grant, cooperative agreement, subgrant, or cost-type contract, and (2) either supported by Federal funds or counted towards a Federal cost-sharing or matching requirement.

"Suspension" of an award means temporary withdrawal of the recipient's authority to obligate the funds awarded pending corrective action by the recipient or a decision to terminate the award.

"Termination" of an award means permanent withdrawal of the recipient's authority to obligate previously awarded funds before that authority would otherwise expire. It also means the voluntary relinquishment of that authority by the recipient.

"Termination" does not include:

(a) Withdrawal of the unobligated balance upon expiration of award;

(b) Refusal by the awarding agency to extend and award or to award additional funds (such as refusal to make a competing or noncompeting continuation, renewal, extension, or supplemental award);

(c) Annulment, i.e., voiding of an award upon determination that the award was obtained fraudulently or was otherwise illegal or invalid from inception;

(d) Withdrawal of surplus Federal funds from a discretionary grant or any analogous withdrawal of funds by a recipient from a subrecipient; or

(e) Withdrawal from a mandatory grant of surplus Federal funds authorized which the recipient will not obligate during the fiscal year, or any analogous withdrawal of funds by a recipient from a subrecipient.

"Terms" of a grant, cooperative agreement, subgrant, or contract means all rights and duties created by the award, whether stated in statute, this part or other regulations, the award document itself, or any other document.

"Third party" means, with respect to a grant or cooperative agreement, any entity except (1) the Federal government, (2) the recipient of the cooperative agreement, and (3) subrecipients under that grant or cooperative agreement. Note that contractors of recipients are third parties under this definition, although subrecipients are not.

"Third party in-kind contributions" means property or services benefiting the Federally-assisted project or program which are contributed by third parties without charge. Note that the term does not include any costs incurred by the recipient or subrecipient.

"Unliquidated obligations," means, for financial reports prepared on a cash basis, the amount of obligations incurred by the recipient that has not been paid. For reports prepared on an accrued expenditure basis, they are the amount of obligations incurred by the recipient for which an outlay has not been recorded.

"Unobligated balance" is the portion of Federal funds authorized which has not been obligated by the recipient. It is calculated by subtracting the Federal share of the recipient's cumulative obligations from the cumulative Federal funds authorized.

[FR Doc. 81-20400 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-98-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-ACE-3]

Transition Area—Seward, Nebr.; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Seward, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Seward, Nebraska, Municipal Airport, utilizing the Seward Non-Directional Radio Beacon (NDB) as a navigational aid.

DATES: Comments must be received on or before August 30, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Don A. Peterson, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before August 30, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons

interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Seward, Nebraska. To enhance airport usage, a new instrument approach procedure is being developed for the Seward, Nebraska, Municipal Airport, utilizing the Seward Non-Directional Radio Beacon as a navigational aid. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Seward, Nebraska, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by adding the following new transition area:

Seward, Nebraska

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Seward Municipal Airport, Seward, Nebraska (Latitude 40°51'46" N., Longitude 97°06'32" W.) and 3 miles either side of the 344° bearing of the Seward NDB (Latitude 40°51'36" N., Longitude 97°06'18" W.) extending from 6.5 miles to 8.5 miles northwest of the NDB; excluding that airspace overlying the Lincoln, Nebraska transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65)).

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory

Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Mo., on July 9, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-20924 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-34]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area: Hondo, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes designation of a transition area at Hondo, Texas. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Hondo Municipal Airport. This action is necessary to designate controlled airspace for aircraft executing a new instrument approach procedure to the Hondo Municipal Airport. This action is necessary to designate controlled airspace for aircraft using a proposed nondirectional radio beacon (NDB) located on the airport.

DATES: Comments must be received on or before August 19, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O.

Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G § 71.181 as republished in the Federal Register on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Hondo, Texas, will necessitate an amendment to this subpart. This amendment will be required at Hondo, Texas, since there is a proposed establishment of instrument approach procedures at the airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-34." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the

notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding:

Hondo, Texas

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Hondo Municipal Airport (Latitude 29°21'28" N., Longitude 99°10'34" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Tex. on July 8, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-20925 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 203

[Docket No. R-81-921]

Negotiated Interest Rate Program; Proposed Regulatory Requirements

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner (HUD).

ACTION: Proposed rule.

SUMMARY: The Department proposes to amend 24 CFR Part 203, Mutual Mortgage Insurance and Insured Home Improvement Loans, by adding a new § 203.51, entitled "Negotiated Interest Rate," to implement the authority

contained in Section 332 of the Housing and Community Development Act of 1980 (Public Law 96-399), 12 U.S.C. 1709-1. This proposed rule would amend the authority of the Secretary to prescribe maximum interest rates for FHA programs by permitting a limited number of Section 203 mortgages to be closed at a negotiated rate which may exceed the FHA ceiling.

DATE: Comments due: September 18, 1981.

ADDRESS: Written comments should be identified by the above docket number and title and filed with the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. All relevant materials received in that Office by the above date will be considered before a final rule is adopted. Copies of written comments will be available during regular business hours at the above Office.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold H. Diamond, Director, Office of Financial Management, Room 6186, 451 7th Street SW., Washington, D.C. 20410 (202/426-4325, this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The negotiated interest rate program authorized by the 1980 legislation permits the greater of 50,000 Section 203(b) mortgages or 10 percent of mortgages insured under Section 203 during the previous fiscal year to carry an interest rate exempt from the maximum FHA interest rate ceiling. Instead, the interest rate and the number of discount points are negotiable between the borrower and lender. However, the lender must enter into a binding agreement under which it makes a commitment for at least 30 days to close the loan at the agreed upon interest rate and any discount points to be charged. This 30-day minimum commitment period may be extended by agreement of the lender and borrower.

The statute requires the lender to disclose to the borrower the current FHA interest rate ceiling and the prevailing number of discount points associated with the ceiling rate. The proposed rule includes a standard form for execution of the commitment agreement which also serves as the disclosure document.

Although the 1980 legislation treats the negotiated interest rate provisions as a permanent program, the statute prescribes that the Secretary of HUD "shall monitor-experiences under this paragraph and report to Congress by March 1, 1982."

To facilitate the required monitoring by the Department of HUD, various statistics will be compiled from lenders and others regarding the negotiated interest rate program during its initial period of operation.

A key determination in the proposed rules is the starting date for measuring the duration of the lender's commitment to make a mortgage loan at the negotiated interest rate and discount points. The statute provides that the commitment shall extend for "at least 30 days" after the date on which the binding agreement has been entered into. After considering several alternatives, the Department of HUD concluded that this statutory requirement can best be met by: (a) requiring that the Lender's commitment to make the loan be signed on or before the date on which the Lender files an application for an FHA firm commitment to insure the mortgage and extend for a period of at least 30 days from the date of receipt of the application and signed Lender's commitment by the HUD field office, and (b) requiring the Lender to close the loan within the term of the Lender's commitment.

One of the alternatives considered would have required the lender to make its interest rate commitment at the time of the borrower's application to the lender for a loan, with the prescribed 30-day minimum to begin upon receipt by the lender of the borrower's application. The Department invites comments as to whether this alternative would be appropriate, especially if the prescribed time period during which the lender must close the loan is increased to 60 days from the date the borrower files an application with the lender.

The proposed rule prohibits the lender from charging a commitment fee as compensation for the risk it assumes in entering a binding agreement to make a loan on specified terms within 30 days from the date HUD receives the application for an FHA firm commitment. HUD invites comments regarding the possibility of permitting the lender to charge a commitment fee if it so chooses, but to make it mandatory that the commitment fee must be refunded to the borrower, if the loan is closed, by requiring the lender to apply the commitment fee to the closing costs payable by the borrower. Furthermore, under this option, the commitment fee must be refunded to the borrower if the property has been destroyed, if good title to the property cannot be delivered or if the mortgage is found to be not eligible for FHA insurance.

Comment is also invited on the desirability of placing a maximum ceiling, either in dollar or percentage

terms, on a commitment fee, if permitted.

HUD plans to allocate the first 10,000 copies of the commitment form among the ten HUD regional offices on the basis of 1,000 copies per office. They, in turn, will distribute the forms to the HUD field offices that process FHA insurance for single-family mortgage loans. These offices will distribute copies of the forms to lenders in response to specific requests. The remaining 40,000 copies will be distributed by the HUD central office through the regional offices to the HUD field offices processing single-family mortgage insurance on an as needed basis.

The commitment form that will be used to evidence the binding agreement by the lender to make the mortgage loan provides that the lender is not obliged to make the loan unless "The mortgage shall be eligible for FHA insurance under its negotiated interest rate program." This condition is intended to cover circumstances that are discovered during HUD processing of the application for an FHA firm commitment to insure the loan or subsequently until the loan has been closed.

This proposed rule does not constitute a "major rule" as that term is defined in § 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not (a) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Pursuant to § 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a

significant economic impact on a substantial number of small entities.

(The catalog of Federal Domestic Assistance program numbers are 14.117, 14.118, and 14.161)

Accordingly, 24 CFR Part 203 is proposed to be amended by adding a new § 203.51 as set forth below:

§ 203.51 Negotiated interest rate.

Notwithstanding the interest rate limitation of § 203.20 a mortgage covering a single family dwelling to be occupied by the mortgagor and bearing an interest rate agreed upon by the mortgagee and the mortgagor shall be eligible for insurance if it meets the requirements of this subpart and the following additional requirements:

(a) The mortgagee and the mortgagor shall enter into a commitment agreement on a form approved by the Commissioner which shall:

(1) Specify the interest rate agreed upon and the number of discount points payable by the mortgagor and by the seller of the property.

(2) Be binding on the mortgagee for at least thirty calendar days from the date on which the HUD field office receives a signed Lender's commitment and an application from the Lender for an FHA firm commitment to insure the mortgage. The agreement may be extended by mutual agreement between the mortgagee and mortgagor.

(3) Specify the maximum interest rate prescribed in § 203.20 at the time of execution and a good faith estimate of the prevailing number of discount points associated with such rate.

(b) The number of mortgages insured under this section in any fiscal year shall not exceed the greater of 50,000 or 10 percent of all mortgages insured under Part 203 during the preceding fiscal year. The number of mortgages authorized under this section shall be allocated in accordance with such procedures as the Commissioner finds appropriate.

(c) The mortgage shall not be insured under or pursuant to any section of the National Housing Act other than Section 203(b) and Section 244.

(d) Failure of a mortgagee to honor its commitment to close a loan pursuant to a commitment agreement entered into under this section shall be a ground for withdrawal of the mortgagee's approval as provided in Part 25 of this Title.

(e) The Lender shall not charge a commitment fee as compensation for entering into a binding agreement.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., May 14, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commission

FHA Case No. _____

Form Approved _____

HUD Field Office _____

OMB No. _____

Commitment To Make a FHA Insured Mortgage Loan at a Negotiated Interest Rate

This agreement, made on _____

_____ between
_____ located at
_____ (Lender) and
_____ located at
_____ (Borrower)

commits the Lender to make a mortgage loan to the Borrower in the amount of \$_____ payable in _____ months at an interest rate of _____% per annum, for the purpose of financing the purchase of, or refinancing the existing debt on, property located at _____

(property) under the following terms and conditions:

1. The loan shall be closed not later than _____ days from the date on which the application for an FHA firm commitment has been received by the HUD field office.

2. The mortgage shall be eligible for FHA insurance under its negotiated interest rate program.

3. In addition to a loan origination fee not to exceed one percent, the Lender will be paid _____ discount points by the Borrower and _____ discount points by the seller.

The Lender has advised the Borrower that under the regular FHA Section 203(b) program, the maximum interest rate permitted is _____ percent and that _____ discount points are generally quoted in this market area to close such a loan. Most FHA mortgages are insured under the regular program.

The Borrower has read and understands the above and has elected to finance the property under the negotiated interest rate program rather than the regular program.

Lender:

(Name of officer) _____

(Title) _____

Borrower:

(Name) _____

Co-Borrower:

(Name) _____

By mutual agreement the above commitment is extended for another

_____ days, with no additional fees to be paid by the borrower.

Lender:

(Name of officer) _____

(Title) _____

Borrower:

(Name) _____

Co-Borrower:

(Name) _____

Date of Receipt by HUD Field Office _____

Serial Number _____

Explanation and Instructions for Completion of Form

COMMITMENT TO MAKE AN FHA INSURED MORTGAGE LOAN AT A NEGOTIATED INTEREST RATE

1. *Agreement:* By entering into the commitment evidenced by this form, the Lender is obliged to make the mortgage loan within the specified period, irrespective of any changes in the mortgage market. This agreement is binding upon the lender unless the FHA determines that the mortgage is not eligible for FHA insurance under the negotiated interest rate program.

2. *Date of Agreement:* The Agreement must be negotiated between, and signed by the Borrower and the Lender, on or before the date on which the Lender files an application for an FHA firm commitment to insure the mortgage.

3. *Repayment Period:* Fill in repayment period, up to 420 months.

4. *Interest Rate:* Any percentage rounded to the nearest one eighth of one percent may be listed, but lenders are advised that all mortgages included in any one GNMA pool must bear the same contract interest rate.

5. *Property:* Fill in address of property to be financed by the mortgage loan.

6. *Duration of Agreement:* Fill in at least 30 days. By this Agreement the Lender is bound to make the mortgage loan not later than the specified number of days from the date on which the HUD field office has received application for a FHA firm commitment to insure the mortgage. If the need arises, this date can be obtained from the Lender or the HUD field office.

7. *Discount Points Payable By Borrower:* Enter the number of discount points that will be paid by the Borrower to close the loan. Do not include the loan origination fee, not to exceed one percent.

8. *Discount Points Payable By Seller:* Enter the number of discount points that

will be paid by the seller of the property at the time of loan closing. The sum of the discount points payable by the seller plus the discount points payable by the Borrower must equal the total discount points payable to the Lender.

9. *Maximum Interest Rate:* List the maximum FHA interest rate for level payment single family home mortgage loans prevailing at the time the commitment is made.

10. *Prevailing Number of Points:* The Lender should list its best judgment of the number of points lenders (including the lender making the commitment) active in making FHA-insured loans in the local mortgage market are currently quoting for commitments to close an FHA-insured loan with similar terms, but carrying the prevailing maximum interest rate for a property comparable to the property identified on the form.

11. *Extension of Commitment:* The commitment may be extended beyond the initial period by mutual written agreement, with no changes in terms of the commitment.

12. *Incomplete Information:* If the Lender and Borrower fail to provide all of the information required on the form, the commitment shall not be regarded as valid. The Department of HUD will not endorse a negotiated interest rate loan for FHA insurance unless there is a valid commitment form on file with the HUD field office.

13. *Distribution of Copies:* The Commitment Form is made out in triplicate. Upon completion, the white original shall be filed with the local HUD field office with the application for an FHA firm commitment, the blue copy shall be given to the Borrower and the yellow copy shall be retained by the Lender. If the commitment period is extended, the Lender shall reproduce three copies of its yellow copy, with the bottom section filled in. One copy should be sent to the HUD field office, the second goes to the Borrower and the third is retained by the Lender.

14. *Shopping Around:* The Borrower may shop around among other lenders for better terms after receipt of this commitment. However, if a loan is obtained from another Lender, the Borrower is not entitled to a refund of the commitment fee listed on the form.

15. *Penalty:* If the Lender fails to honor its commitment to make the mortgage loan, it may lose its approval as a FHA mortgagee.

[FR Doc. 81-21163 Filed 7-17-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, and 7

[Notice No. 375; Re: Notice No. 362]

Labeling and Advertising Regulations Under the Federal Alcohol Administration Act

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of hearing.

SUMMARY: This notice announces the time and location the Bureau of Alcohol, Tobacco and Firearms (ATF) will hold a public hearing to gather testimony on issues relating to the proposed labeling and advertising regulation changes published in the *Federal Register* on December 19, 1980 (Notice No. 362, 45 FR 83530).

Depending on the availability of funds and requests for hearings at other locations, the Bureau may schedule additional hearings at a later date.

DATES: Hearing dates: September 9 and 10, 1981, at 9:30 a.m. until 4:30 p.m.—open to the public.

Requests to testify: Requests to testify must be received on or before September 2, 1981.

ADDRESSES: Hearing location: Room 5041, Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC.

Requests to testify must be submitted to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044. (Notice No. 375.)

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (202-566-7626).

SUPPLEMENTARY INFORMATION: Requests to Testify; Rules Governing Public Hearings.

Persons requesting to testify shall indicate a preference for the date and time they wish to testify. To the extent possible, ATF will honor these preferences. Requests to testify must contain the name of the person who will testify, the company/organization represented, if any, and address and telephone number where such person can be contacted. The request must also include an outline of the topic or topics on which the testimony will be based. Testimony will be limited to ten minutes per speaker, however, additional time may be granted for answering questions. Persons testifying should be prepared to

respond to questions regarding their testimony, or to any matters relating to written comments which they may have submitted. Persons not scheduled to testify may be allowed to do so at the conclusion of each hearing, if time permits.

ATF will notify all persons requesting to testify and will confirm the date and time. ATF will prepare an agenda listing all speakers for each hearing, and will make this agenda available at the hearing.

All public hearings held pursuant to this notice are open to the public and will be conducted under the procedural rules contained in 27 CFR 71.41(a)(3).

Notice of Proposed Rulemaking and Public Hearing

On December 19, 1980, ATF published Notice No. 362 to obtain comment on proposed regulatory changes regarding the labeling and advertising regulations for wine, distilled spirits, and malt beverages. A total of 395 individual comments were received on this notice. Although most commenters supported the Bureau's intent and purpose of the proposed changes, many commenters submitted substantial suggestions and possible modifications to the proposed regulatory language. Furthermore, a number of commenters suggested that public hearings be held to provide a full discussion of these issues.

ATF believes that a hearing is essential in order that all possible information concerning the regulatory proposals be obtained and evaluated.

ATF specifically requests testimony concerning the following issues:

(a) The proposed standards for the use of the word "light" or other phonetically similar words;

(b) The proposed definition of "natural";

(c) The use of athletes and athletic events;

(d) The guidelines proposed under which taste tests may be conducted for comparative advertising;

(e) The use of curative or therapeutic claims such as, relax and refresh;

(f) The proposed definitions for "false" and "disparaging"; and

(g) The use and definition of subliminal and similar techniques.

Although ATF specifically requests testimony on these issues, this is not to preclude anyone from testifying on any subject concerning the proposed regulations.

Disclosure of Comments

Copies of the notice of proposed rulemaking, all written comments, and the hearing transcripts will be available

for public inspection at: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel in the Bureau participated in the preparation of this document, both in matters of substance and style.

Authority and Issuance

This notice of hearing is issued under the authority contained in Section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended; 27 U.S.C. 205.

Signed: July 10, 1981.

G.R. Dickerson,
Director.

[FR Doc. 81-20059 Filed 7-17-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 715, 816, 817, and 826

Surface Coal Mining and Reclamation Operations in the Interim and Permanent Regulatory Programs; Disposal of Excess Spoil

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Surface Mining is re-proposing amendments to its rules relating to the disposal of excess spoil. The Office is proposing to encourage the use of excess spoil for the purpose of backfilling previously-mined benches (pre-existing benches). Presently, mine operators are permitted to dispose of excess spoil in valley, head-of-hollow or durable rock fill structures that have been approved by the regulatory authority. This new method of disposal will provide operators an additional option for disposal. This option will help operators achieve the goals of the Surface Mining Reclamation and Control Act as well as in many cases prove to be economically and technologically attractive.

DATE: Comments must be received not later than 5 p.m. on August 19, 1981, at the address below.

ADDRESS: Comments must be mailed or hand-delivered to the Office of Surface Mining, U.S. Department of the Interior, Room 153, South Building, 1951 Constitution Avenue, NW., Washington,

D.C. 20240. The administrative record of this rulemaking, including public comments on the initial proposal, is available for inspection at the above address, Monday through Friday, 9:00 a.m.-4:30 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Raymond E. Aufmuth, Physical Scientist, Technical Services and Research, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, telephone number 202/343-4022.

SUPPLEMENTARY INFORMATION:

Background

In the Eastern Coal Province (Appalachia), mining may result in spoil material exceeding that necessary to reclaim the active bench and eliminate the highwall. Under the current OSM regulations for both the interim and permanent regulatory programs, this excess spoil material may be disposed of in valley, head-of-hollow or durable rock fill structures approved by the regulatory authority in accordance with excess spoil disposal requirements (*i.e.*, 30 CFR 715.15, 816.71-816.74, and 817.71-817.74).

Mining prior to August 3, 1977, has resulted in many miles of abandoned benches throughout the Appalachian coal region. One of the objectives of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act), is the reclamation of these previously-mined areas. *See*, Section 102(h) of the Act, 30 U.S.C. 1202(h). Reclamation of these abandoned mine lands through disposal of excess spoil on pre-existing (*i.e.*, previously-mined) benches will help to achieve this objective of the Act, with a corresponding reduction in erosion, surface water degradation, flood hazards, and damage to fish and wildlife. Reclamation of these benches will also help protect the environment by reducing the quantity (both size and number) of valley and head-of-hollow fill structures in areas not disturbed by previous or active mining operations, and it will provide more certainty in the long-term stability of backfilled areas because the material will be placed primarily on solid rock rather than on valley soils.

Therefore, in view of the advantages to the environment and the extensive amount of pre-existing benches in steep slope mining areas, OSM is now re-proposing rules (initially proposed on May 16, 1980, at 45 FR 32331-33) to encourage the use of excess spoil for the purpose of backfilling these existing benches. The May 16, 1980 proposed rules are hereby withdrawn. In this re-

proposed rulemaking, OSM in no way intends to require the use of pre-existing benches for the disposal of excess spoil. Rather, the changes are intended merely to provide operators with an additional option for the handling of excess spoil—an option which will help to achieve the important goal of reclaiming abandoned mine lands and which will, in many circumstances, prove to be economically and technologically attractive to operators. OSM is "encouraging" disposal of excess spoil on pre-existing benches by making this option attractive (*i.e.*, in comparison to the use of valley, head-of-hollow, and durable rock fills) to operators in two ways: (1) reducing the geotechnical analysis and design requirements through a reduced safety factor requirement of 1.3, and (2) providing that the existing highwall need not be completely eliminated when excess spoil disposal is on a pre-existing bench. As re-proposed, the use of pre-existing benches for excess spoil disposal is in conformance with the statutory requirements of Section 515(b)(22) of the Act, 30 U.S.C. 1265(b)(22), which governs disposal of all excess spoil.

Federal Rulemaking

Amendments to excess spoil disposal regulations at 30 CFR 715.15, 716.2, 816.71, 817.71, and 826.16 were initially proposed by OSM at 45 FR 32331-33 (May 16, 1980). An initial public comment period of 30 days was later extended for an additional 15 days and closed on June 30, 1980. 45 FR 40166 (June 13, 1980). In addition, a public hearing was held on June 11, 1980, at Charleston, West Virginia. As a result of the public comments received in writing and at the hearing, OSM has thoroughly re-examined its earlier proposal and is now re-proposing in substantially different form these amendments to the excess spoil disposal regulations.

The re-proposed rules amend 30 CFR 715, 816 and 817 by providing for disposal of excess spoil on pre-existing benches as an additional and separate option to disposal in valley, head-of-hollow, and durable rock fill structures. The re-proposed rules differ significantly from the initial proposal in several ways. First, the re-proposed rules contain no references to the backfilling and grading regulations at 30 CFR 715.14, 816.101-816.106, and 817.101-817.106. The intent of the previous reference to backfilling and grading regulations had been to reduce the requirements for geotechnical analysis and the long-term static safety factor. The re-proposed rules instead requires that excess spoil disposal on pre-

existing benches be conducted in conformance with all of the general requirements for excess spoil disposal (i.e., 30 CFR 715.15(a), 816.71, and 817.71), with the exception of the general requirements governing the long-term static safety factor (i.e., 30 CFR 715.15(a)(6), 816.71(f), and 817(f)). The re-proposed rules contain a specific provision requiring that disposal of excess spoil on preexisting benches be conducted to attain a long-term static safety factor of 1.3. Thus, the re-proposed rules not only state clearly the requirement for the long-term static safety factor, but also assure fulfillment of the general requirements for excess spoil disposal which are mandated by Section 515(b)(22) of the Act.

A second major difference between OSM's initial proposal and the re-proposed rules is that OSM is no longer proposing to amend 30 CFR 716.2. Because the re-proposed rules provide for disposal of excess spoil on preexisting benches as an additional option within 30 CFR 715.15 (and because reference to the backfilling and grading regulations at 30 CFR 715.14 has been deleted), there is no longer a need to change the provisions at 30 CFR 716.2(c).

A third major difference between the initial proposal and the re-proposed rules is that the new proposal makes it clear that excess spoil disposal on preexisting benches need only eliminate the highwall to the extent "practicable." Although this was OSM's intent in the initial proposal, this was not made clear due to drafting inconsistencies.

Fourth, rather than amending the provisions of 30 CFR 826.16, the re-proposed rules recommend repeal of that regulation. OSM believes that adoption of the re-proposed changes in 30 CFR 715.15, 816, and 817 will obviate completely the need for 30 CFR 826.16, which addresses similar issues.

Fifth, the initial proposal was entitled "steep slope mining." The re-proposal is entitled "disposal of excess spoil," because it is intended to apply to excess spoil disposal on preexisting benches created by all types of surface coal mining operations.

Thus, the re-proposed rules provide minimum standards for environmental protection that must be applied to the disposal of excess spoil on preexisting benches. The authority for this method of spoil disposal is derived from Section 515(b)(22) of the Act, 30 U.S.C. 1265(b)(22).

Disposition of Comments

As noted previously, OSM's re-examination of its initial proposal was prompted by the public comments received in writing and at the public

hearing. The re-proposed rules published at the conclusion of this notice of proposed rulemaking resulted from OSM's re-examination. The previous public comments on the initial proposal are discussed below.

One commenter objected to the conclusions and views of OSM as presented in the 2nd paragraph under Supplemental Information (45 FR 32331). This objection was very general and not supported by any additional information. Therefore, OSM has rejected this comment.

One commenter suggested that the last sentence of the proposed amendments to 30 CFR 715.15, 816.71, and 817.71 be deleted and replaced with a set of five criteria to govern disposal. Although OSM recognizes the value of criteria in general and the recommended criteria in particular, this comment is nevertheless rejected. The reasoning behind this rejection is that while the criteria suggested appear to be sound and implement the intent of Congress in Section 102(h) of the Act, 30 U.S.C. 1202(h), the commenter does not mention nor consider the major point of the proposed amendment, which is to reduce the operation and reclamation requirements for those operators who choose to use a pre-existing bench for the disposal of excess spoil. The requirements which are being reduced as an incentive to operators to use preexisting benches are the reduction in the safety factor and the deletion of a requirement that the highwall be completely eliminated. Both incentives are technically sound and are in full conformance with Section 515(b)(22) of the Act. In addition, the criteria presented by the commenter, while comprising the major items to be considered in disposal of excess spoil on preexisting benches, is by no means a complete or exhaustive list.

One commenter indicated that the permittee should be required to demonstrate to the regulatory authority the precise outer limits of the solid bench through the use of cross-sections and site determination by a qualified professional. While this comment is of significant merit, OSM believes that this data is provided for in other sections of the regulations, specifically §§ 779.25 and 783.25, and need not be duplicated at this time and in this amendment. The re-proposed rules specifically require that the excess spoil be kept on the solid portion of the pre-existing bench. This requirement will be enforced by the regulatory authority.

Several commenters emphasized the point that the disposal area may not be within or contiguous to the permitted operation, but that it must still be

permitted and bonded as are all other excess spoil disposal areas. This comment has been accepted by OSM because it is a requirement of both the Act and the regulations. See, Section 515(b)(22)(B) of the Act, 30 U.S.C. 1265(b)(22)(B), and 30 CFR 715.15(a), 816.71(a), 817.71(a). Thus, the re-proposed rules in no way alter the requirement that excess spoil disposal areas must be permitted and bonded.

Several commenters pointed out an apparent discrepancy between several of the sections which were proposed to be amended and the extent to which highwall elimination on the pre-existing bench was required. Specifically, 30 CFR 826.16(b) requires that spoil be graded "to eliminate the existing highwall to the extent possible," while the previously-referenced backfilling and grading regulations at 30 CFR 816.102(a)(2), 817.102(a)(2), and 715.14 require that in all cases the highwall be eliminated. This is a discrepancy, and the comments recommending clarification are accepted. The reference to backfilling and grading regulations in the initial proposal was intended to relate to the method of backfilling and grading and to the long-term static safety factor. The re-proposed rule eliminates this discrepancy by, as noted previously, deleting all reference to backfilling and grading regulations and by recommending repeal of 30 CFR 826.16. OSM believes that the re-proposed language clearly indicates its intent that excess spoil disposal on the solid portion of a pre-existing bench created by previous mining shall eliminate the existing highwall to the extent practicable with available spoil.

Several commenters questioned the August 3, 1977, date for cutoff of preexisting benches and recommended that this date be deleted. These commenters suggested that are extensive areas which have been created after August 3, 1977, (e.g., 2-acre exemptions; abandoned and wildcat operations) which OSM does not at this time have jurisdiction over and which consequently, fall into a tightly defused time zone with little potential for reclamation. OSM accepted this suggestion and has deleted the August 3, 1977, cutoff date contained in the initial proposal.

One commenter suggested in regard to 30 CFR 716.2(c), that spoil in excess of that necessary to achieve approximate original contour (AOC) (in accordance with § 715.14) only the disposed of in excess spoil fills when "adjacent, nearby, contiguous preexisting benches are not available for spoil disposal." This suggestion would require the

operator to use nearby adjacent or contiguous previously-mined benches for excess spoil disposal before being permitted to construct a fill structure. This suggestion goes beyond the intent of the amendment and the existing regulation, and may in fact impose an additional economic hardship on the operator and result in additional environmental damage by requiring use of these benches without regard to access or the additional environmental harm which may occur through construction of access roads to the benches. OSM again stresses that the re-proposed rules provide an additional option to operators for the disposal of excess spoil. While OSM is seeking to encourage excess spoil disposal on pre-existing benches by making such disposal attractive to operators by reducing requirements for geotechnical analysis and long-term static safety factors relative to valley, head-of-hollow, and durable rock fill structures, the re-proposed rules in no way diminish the operator's discretion to select an alternative method of excess spoil disposal under applicable regulations. Therefore, OSM rejects this suggestion.

One commenter believed that the initial proposal was generally reasonable, but that the new provisions could possibly be abused in some multiple seam mining situations. The commenter was concerned about operators simply pushing new overburden down to the pre-existing bench and failing to leave adequate material to return the new cut to AOC. OSM stresses that these regulations apply to disposal of spoil in excess of that needed to return an active mining operation to AOC. Violations of other provisions of the Act and the regulations are, of course, subject to enforcement by the regulatory authority.

One commenter indicated that it would be an economic benefit to the regulatory authority if operators were to dispose of excess spoil on pre-existing benches because this would reduce the need for time consuming reviews of alternative excess spoil sites and designs.

Another commenter indicated that it would be an economic benefit to the operator to conduct excess spoil disposal on pre-existing benches in terms of reduced permit data to be developed and economic savings on not having to design alternate spoil disposal sites.

This same commenter stated emphatically that OSM, while under the guise of "encouraging" operators to use pre-existing benches for excess spoil disposal, is in reality attempting to

require the operator to use benches prior to the use of fill structures. OSM did not intend that its encouragement be interpreted as a requirement. It is the intent of OSM in re-proposing this amendment to encourage the use of pre-existing benches for the disposal of excess spoil in order to further the important objective of the Act to reclaim abandoned mine lands. However, this encouragement is in the form of reduced requirements with respect to the geotechnical analysis and necessary design requirements on the operator (*i.e.*, long-term static safety factor). Under the re-proposed rules, OSM does not require the use of benches for disposal of excess spoil, but only provides an additional option to the operator. Operators will still be free to select alternative spoil disposal methods under applicable regulations.

One commenter objected to the statement in the preamble to the initial proposal that "remining in most instances will result in excess spoil material * * *" stating that in his experience just the opposite is true. OSM recognizes that there are instances where this statement will not be valid for certain site-specific situations, particularly in many of the steep slope remaining operations in the Appalachian Coal Province. However, these amendments are applicable to all surface mining of coal and, therefore, are of a general nature. Although this comment in no way impacts the validity of the proposed amendment, OSM has substituted the word "may" for the phrase "in most instances" within the text of this preamble.

This same commenter states that the proposed changes require operators to use the same design analysis and construction standards for backfilling and grading as for fill structures. However, the proposed changes are intended to reduce the quantity of data necessary to conduct the geotechnical analysis, and the factor of safety from that required for fill structures (a safety factor of 1.5) to a safety factor of 1.3 (similar to that required for backfilling and grading on the actively-mined bench). For these reasons, this comment is rejected.

Several commenters were confused over the use of terms such as "solid bench," "pre-existing," and "abandoned" and requested clarification. These terms are all commonly used terms in the mining industry. OSM does not believe it is necessary to include formal definitions of these terms within this rulemaking. However, in response to comments, OSM does wish to clarify that these

reproposed rules establish an alternative method of excess spoil disposal on "pre-existing" (*i.e.*, previously-mined) benches. However, where there is a "natural" (*i.e.*, not manmade) bench on the permit area, disposal of excess spoil will continue to be governed by Section 515(b)(22)(E) of the Act, 30 U.S.C. 1265(b)(22)(E), and its implementing regulations at 30 CFR 715.15(a)(5), 816.71(e), and 817.71(e).

Determinations Under Executive Order No. 12291, the Regulatory Flexibility Act and the National Environmental Policy Act

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order No. 12291. OSM believes that economic benefits may accrue to operators choosing to exercise the proposed option of disposing excess spoil on pre-existing benches. The proposed rules should reduce the cost of compliance by: (1) reduction of data collection and engineering time necessary to meet permit requirements for disposal structures, (2) reduction of some actual construction costs, (3) reducing or eliminating the need for ancillary structures (*e.g.*, haul roads).

In addition, the Department has examined this rulemaking under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and has determined that this rulemaking will not have "a significant economic effect on a substantial number of small entities."

OSM believes that the proposed rules will, in fact, be economically beneficial to small operators in southern and central Appalachian regions through a reduction in certain compliance costs. However, the cumulative effects are not estimated to be significant.

With respect to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA), OSM has prepared a draft environmental assessment on the impacts of the proposed rules.

The draft environmental assessment and the determination of effects upon which the above findings were based are available in the administrative record of this rulemaking at the location listed in the "ADDRESS" section above.

Dated: June 16, 1981.

William P. Pendley,
Deputy Assistant Secretary—Energy and Minerals

Summary

30 CFR 715.15 is proposed to be amended by adding a new paragraph

providing for placement of excess spoil on pre-existing benches.

30 CFR 816 is proposed to be amended by adding a new section at 30 CFR 816.75 providing for placement of excess spoil on pre-existing benches.

30 CFR 817 is proposed to be amended by adding a new section at 30 CFR 817.75 providing for placement of excess spoil on pre-existing benches.

30 CFR 826.16 is proposed to be repealed.

Proposed Amendments to 30 CFR Chapter VII

PART 715—GENERAL PERFORMANCE STANDARDS

30 CFR 715.15 *Disposal of excess spoil*, is proposed to be amended by adding a new paragraph 715.15(e) as follows:

§ 715.15 Disposal of excess spoil.

(e) *Pre-existing benches*. In lieu of the requirements of §§ 715.15(b), 715.15(c) and 715.15(d), the regulatory authority may approve alternative methods of disposal of excess spoil through placement on pre-existing benches, provided that all the standards set forth in § 715.15(a) (1)–(5), (7)–(14), and the requirements of this section are met.

(1) All spoil shall be placed on the solid portion of the pre-existing bench;

(2) The fill shall be designed, using standard geotechnical analysis, to attain a long-term static factor of safety of 1.3 for all portions of the fill;

(3) The pre-existing bench shall be backfilled and graded to achieve the most moderate slope possible which does not exceed the angle of repose, and to eliminate the highwall to the extent practicable.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

30 CFR 816 is proposed to be amended by adding a new § 816.75 as follows:

§ 816.75 Disposal of excess spoil: Pre-existing benches.

In lieu of the requirements of §§ 816.72, 816.73 and 816.74, the regulatory authority may approve alternative methods of disposal of excess spoil through placement on pre-existing benches, provided that all the standards set forth in § 816.71 (a)–(e), (g)–(n), and the requirements of this section are met.

(a) All spoil shall be placed on the solid portion of the pre-existing bench;

(b) The fill shall be designed, using standard geotechnical analysis, to attain

a long-term static factor of safety of 1.3 for all portions of the fill;

(c) The pre-existing bench shall be backfilled and graded to achieve the most moderate slope possible which does not exceed the angle of repose, and to eliminate the highwall to the extent practicable.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

30 CFR 817 is proposed to be amended by adding a new § 817.75 as follows:

§ 817.75 Disposal of excess spoil: Pre-existing benches.

In lieu of the requirements of § 817.72, 817.73 and 817.74, the regulatory authority may approve alternative methods of disposal of excess spoil through placement on pre-existing benches, provided that all the standards set forth in § 817.71 (a)–(e), (g)–(n), and the requirements of this section are met.

(a) All spoil shall be placed on the solid portion of the pre-existing bench;

(b) The fill shall be designed, using standard geotechnical analysis, to attain to long-term static factor of safety of 1.3 for all portions of the fill;

(c) The pre-existing bench shall be backfilled and graded to achieve the most moderate slope possible which does not exceed the angle of repose, and to eliminate the highwall to the extent practicable.

PART 826—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—OPERATIONS ON STEEP SLOPES

§ 826.16 [Removed]

30 CFR 826 is proposed to be amended by removing § 826.16 in its entirety.

[FR Doc. 81-21161 Filed 7-17-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 144, 149, and 175

[CGD 80-155b]

Lifesaving Equipment

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: In a separate document the Coast Guard is proposing to revoke obsolete specifications concerning cork and balsa wood ring life buoys. This action will require editorial amendments to the regulations that allow cork and balsa wood ring buoys on Artificial Islands, fixed offshore structures, and

recreational boats. Since equipment that has been previously approved may be used if in good and serviceable condition, there are no substantive changes to the regulations.

DATES: Comments must be received on or before September 3, 1981.

ADDRESSES: Comments may be mailed to Commandant (G-CMC/24), (CGD 80-155b), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-1477 between the hours of 7 a.m. and 5 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank K. Thompson, Merchant Marine Technical Division (G-MMT/12), Office of Merchant Marine Safety, Room 1216, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-2174.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person making them, identify this notice (CGD 80-155b) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If an acknowledgment is desired, a stamped, addressed postcard should be enclosed.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial.

Drafting Information

The principal persons involved in drafting this proposal are Mr. Frank K. Thompson, Project Manager, Office of Merchant Marine Safety, and Lieutenant Walter J. Brudzinski, Project Counsel, Office of the Chief Counsel.

Discussion

Because they are no longer being manufactured, the proposed revocation of the approval specifications for cork or balsa ring life buoys and the material specifications for balsa wood and sheet cork are contained in Coast Guard NPRM CGD 80-155a, which appears elsewhere in this issue of the *Federal Register*.

This proposal involves only editorial amendments to reflect the proposed

revocations. There would be no substantive changes to the lifesaving equipment regulations. The amendments would allow previously approved cork and balsa wood ring life buoys to continue to be sold and used as long as they are in good and serviceable condition.

Evaluation

The Coast Guard had evaluated this proposal under Executive Order 12291 and determined that it is not a major regulation. The Coast Guard has also determined that it is nonsignificant under the meaning of DOT Order 2100.5. Additionally, as required by Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354), the Coast Guard certifies that this proposal will not have a significant economic impact on a substantial number of small entities.

The reason for these findings is that this proposal deals only with the revocation of obsolete specifications for lifesaving equipment that is no longer manufactured.

In consideration of the foregoing, the Coast Guard proposes to amend Subchapter N, Title 33, Code of Federal Regulations as follows:

PART 144—LIFESAVING APPLIANCES

1. In § 144.01-25, by revising paragraph (a) to read as follows:

§ 144.01-25 Ring life buoys.

(a) Each manned platform must have at least four approved ring life buoys constructed in accordance with 46 CFR Subpart 160.050; except ring life buoys approved under former 46 CFR Subpart 160.009 may be used as long as they are in good and serviceable condition. One ring life buoy must be placed on a suitable rack on each side of a manned platform in an accessible place. The ring life buoy must always be capable of being cast loose and may not be permanently secured in any way.

2. In § 144.10-1, by deleting Table 2, revising paragraph (a)(2), and adding new paragraph (a)(3) to read as follows:

§ 144.10-1 Lifesaving equipment.

(a) * * *

(2) An approved ring life buoy, (Type IV PFD) for every two persons, but no more than four devices are required. Each ring life buoy must be of a type constructed in accordance with 46 CFR Subpart 160.050; except a ring life buoy that was approved under former 46 CFR Subpart 160.009 may be used as long as it is in good and serviceable condition.

(3) Each ring life buoy under paragraph (a)(2) of this section must have an approved automatic electric

water light that is attached as described in § 144.01-25(b).

PART 149—DESIGN, CONSTRUCTION, AND EQUIPMENT

3. By revising § 149.526 to read as follows:

§ 149.526 Approved ring life buoys (Type IV personal flotation devices).

(a) Each PPC must have at least 8 approved ring life buoys (Type IV PFD's) and mounting racks distributed about the perimeter of the platform.

(b) Each ring life buoy must be constructed in accordance with 46 CFR Subpart 160.050 except a ring life buoy that was approved under former 46 CFR Subpart 160.009 may be used as long as it is in good and serviceable condition. Each ring life buoy must be of the 30 inch size, international orange, and easily accessible to persons onboard.

(c) At least fifty percent of the ring life buoys required by this section must have an electric water light approved under 46 CFR 161.010.

(d) At least one ring life buoy on each side of the platform must have a buoyant line attached to it that is 1½ times the distance from the buoy to the mean low water line of the platform, or 15 fathoms in length, whichever is greater.

4. By revising § 149.526 in the table of sections to read as follows:

(149.526 Approved ring life buoys (Type IV personal flotation devices))

PART 175—EQUIPMENT REQUIREMENTS

5. By adding footnote 1 to Table 175.23 as follows:

§ 175.23 Personal flotation device equivalents.

Table 175.23

Devices marked.....	Are equivalent to performance type.
160.009 Ring life buoy ¹	Type IV-personal flotation device.

¹46 CFR Subpart 160.009 has been revoked. Type IV PFD's approved under that subpart may be used as long as they are in good serviceable condition.

(43 U.S.C. 1333(e), 46 U.S.C. 1454, 1488, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b), 1.46(n)(1))

Dated: July 6, 1981.

Clyde T. Lusk, Jr.,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-21176 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 1715-Y]

Standards of Performance for New Stationary Sources: Continuous Monitoring Performance Specifications; Proposed Revisions to General Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: On February 23, 1978 (43 FR 7568) the Environmental Protection Agency promulgated standards of performance for new or modified kraft pulp mills pursuant to Section 111 of the Clean Air Act as amended. The standards require a continuous emission monitoring system (CEMS) to monitor total reduced sulfur (TRS) for operation and maintenance purposes. However, at the time the standards were promulgated performance specifications for the monitors had not been completed and monitoring requirements were not to be effective until their completion. The specifications proposed herein complete the performance specifications. In addition, changes to the general monitoring requirements of Section 60.13 are proposed.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views or arguments concerning the proposed performance specification and changes to Section 60.13.

DATES:

Comments. Comments must be received on or before September 18, 1981.

Public Hearing. If requested, a public hearing will be held. Persons wishing to present oral testimony must contact EPA by August 10, 1981. If a hearing is requested, an announcement of the date and place will appear in a separate Federal Register notice.

ADDRESS:

Comments. Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-80-57, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

Public Hearing. Persons wishing to present oral testimony should notify Mrs. Naomi Durkee, Office of the Director, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency,

Research Triangle Park, North Carolina 27711, telephone number (919) 541-5571.

Docket. Docket No. A-80-57, containing material relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Mr. Roger Shigehara, Emission Measurement Branch, Emission Standards and Engineering Division (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2237.

SUPPLEMENTARY INFORMATION: On February 23, 1978 (43 FR 7568), the Environmental Protection Agency promulgated standards of performance for new or modified kraft pulp mills pursuant to Section 111 of the Clean Air Act as amended. The regulation requires new kraft pulp mills to demonstrate compliance with the standards of performance by means of performance tests at the time the new source commences operation or shortly thereafter. To insure that these sources, including associated air pollution control equipment, would be properly operated and maintained (to insure the intent of the standards to reduce air pollution), provisions were included that require several monitoring systems to continuously monitor emission levels. One of those monitoring systems was for total reduced sulfur (TRS).

At the time the standards, which included these monitoring requirements, were initially proposed, EPA and the kraft pulp mill industry were engaged in developing performance specifications for TRS monitoring systems. The performance specifications were not completed by the time the standards of performance were promulgated; therefore, the monitoring requirements were not to be effective until a joint EPA-industry effort to develop performance specifications was completed.

In October of 1977, the National Council of the Pulp and Paper Industry for Air and Stream Improvement submitted a technical assessment study to EPA. The results of a month-long evaluation of the performance of existing TRS monitors and a comparison with Method 16 data were included in this study. This study serves as the technical background for the

performance specification proposed today.

The specification requires that monitors used to measure TRS be installed and ensured to operate properly. Calibration drift and relative accuracy tests are to be conducted to determine conformance of the continuous emission monitoring systems (CEMS) with the specification. Candidate monitors include the coulometric titrator, flame photometric and photoionization detectors, and others, fitted with appropriate sample extraction and conditioning equipment. A document has been prepared to provide vendors and operators with guidelines for performance and equipment specifications and suggested test and data reduction procedures for evaluating the CEMS. This guideline document is available from Mr. Foston Curtis, Mail Drop 19, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541-2237. During the development of the TRS performance specification, a question arose concerning the possibility that the CEMS might be the same as Reference Method 16. The question concerns whether such systems should be exempted from the relative accuracy test because it would involve comparing a reference method against an automated reference method. Comments are requested on this question.

As discussed in the preamble to the final rule which established the standards of performance for kraft pulp mills (43 FR 7571), installation of continuous monitoring systems is not needed until promulgation of applicable performance specifications. Sections 60.13(a) of Title 40 indicates that continuous monitoring systems must comply with the monitoring requirements upon promulgation unless otherwise specified in an applicable subpart or by the Administrator.

When Performance Specification 5 is promulgated, the Administrator could decide if any delay in complying with the monitoring requirements after promulgation is warranted for kraft pulp mills which are already affected by the standards. However, notice of these requirements is being given with today's proposal. The time between proposal and promulgation is usually about one year. The time before promulgation should allow kraft pulp mills to initiate purchasing and install a continuous monitoring system. A delay beyond promulgation similar to the 180 days allowed for performance tests (40 CFR 60.8) is considered reasonable. However, in certain cases, additional time may be required for kraft pulp mills

which are already affected by the standards. The Administrator plans to specify additional delays as set forth in 40 CFR 60.13(a) based on the expected time a source already affected by the standards would need to review available monitors, to purchase a monitor, to install the monitor, and to place the monitor into operation. Comments concerning the 180-day delay and additional delays are specifically requested.

The costs associated with continuous monitoring are difficult to assess because costs will vary from source-to-source depending on the variations in the requirements for each installation, e.g., procurement, shipping, site preparation, and physical installation of the instrument system. However, for TRS monitoring systems, the normal costs of procurement are in the range of \$15,000 to \$30,000. The installation and testing costs required by Performance Specification 5 are approximately \$3600 (30 man-days at \$15 per hour).

During preparation of this performance specification, consistency with the existing monitoring requirements of 40 CFR 60.13 was checked. These existing monitoring requirements provide a general basis for continuous monitoring requirements found in standards of performance for new sources, such as the standards for kraft pulp mills. One minor inconsistency was found in paragraph 60.13(e). Because TRS was not mentioned in this paragraph, a revision to the paragraph is being proposed to make the paragraph apply to TRS and other emissions. In addition to this minor inconsistency, several paragraphs which are no longer applicable were found. These paragraphs were effective only until September 11, 1979. Therefore, to update and reduce the complexity of 40 CFR 60.13, it is proposed that the parts of paragraphs 60.13(a), 60.13(c), and 60.13(e) which are no longer applicable be removed from 40 CFR 60.13.

Pursuant to the provisions of 5 U.S.C. Section 605(b), I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. About two-thirds of the businesses owning kraft pulp mills are also engaged in other activities, such as chemical manufacture, detergent production, land development and can production. In addition, businesses owning kraft pulp mills but not engaged in these activities are almost always engaged in the production of timber or paperboard. Because most businesses owning kraft pulp mills are engaged in activities other

than kraft pulping, very few small entities, as defined in 13 CFR Part 121, could be impacted by this rule. Thus, the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

I have reviewed this proposed rule to determine if it is a major rule as defined in Executive Order 12291 (46 FR 18193). The costs of procurement and installation, as indicated above, do not indicate that this rule would result in an annual effect of \$100 million or more, a major increase in costs or prices, or other significant adverse effects. Thus, I have determined that this rule is not a major rule.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This notice of proposed rulemaking is issued under the authority of Sections 111, 114, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7411, 7414, and 7601(a)).

Dated: July 6, 1981.

Anne M. Gorsuch,
Administrator.

It is proposed that § 60.13 and Appendix B of 40 CFR Part 60 be amended as follows:

1. By revising § 60.13(a), 60.13(c), and 60.13(e); by removing subparagraphs (1) and (2) of § 60.13(a); by removing subparagraphs (1), (2), and (3), of § 60.13(c); and by removing subparagraph (3) of § 60.13(e) as follows:

Subpart A—General Provisions

§ 60.13 Monitoring requirements.

(a) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under Appendix B to this part, unless otherwise specified in an applicable subpart or by the Administrator.

(c) During any performance tests required under § 60.8 or within 30 days thereafter and at such other times as may be required by the Administrator under Section 114 of the Act, the owner or operator of any affected facility shall conduct continuous monitoring system performance evaluations and furnish the Administrator within 60 days thereof two or, upon request, more copies of a

written report of the results of such tests. These continuous monitoring system performance evaluations shall be conducted in accordance with the requirements and procedures contained in the applicable performance specification of Appendix B.

(e) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (d) of this section, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(1) All continuous monitoring systems referenced by paragraph (c) of this section for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(2) All continuous monitoring systems referenced by paragraph (c) of this section for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

2. By adding Performance Specification 5 to Appendix B of 40 CFR Part 60 as follows:

Appendix B—Performance Specifications

Performance Specification 5—Specifications and Test Procedures for TRS Continuous Emission Monitoring Systems in Stationary Sources

1. Applicability and Principle

1.1 Applicability. This specification is to be used for evaluating the acceptability of total reduced sulfur (TRS) continuous emission monitoring systems (CEMS) after initial installation and whenever specified in an applicable subpart of the regulations. The CEMS may include O₂ monitors.

The definitions, installation specifications, test procedures, data reduction procedures for determining calibration drifts and relative accuracy, and reporting of Performance Specification 2,¹ Sections 2, 3, 4, 5, 6, 8, and 9 also apply to this specification and must be consulted. The performance and equipment specifications do not differ from Performance Specification 2 except as listed below and are included in this specification.

1.2 Principle. Calibration drift and relative accuracy tests are conducted to

determine conformance of the CEMS with the specification.

2. Performance and Equipment Specifications

2.1 Instrument Zero and Span. The CEMS recorder span must be set at 90 to 100 percent of recorder full-scale using a span level of 90 to 100 percent of the span value (other span levels may be used with the approval of the Administrator). The CEMS design shall also allow the determination of calibration at the zero and span level points of the calibration curve. If this is not possible or is impractical, these determinations may be conducted at a low level (up to 20 percent of span value) point and at a high level (80 to 100 percent of span value) point. The components of an acceptable permeation tube system are listed on pages 87-94 of Citation 2 of the bibliography.

2.2 Calibration Drift. The CEMS calibration must not drift or deviate from the reference value of the calibration gas by more than 3 percent of the established span value of 30 ppm. If the CEMS includes pollutant and diluent monitors, the calibration drift must be determined separately for each in terms of concentrations (see Performance Specification 3 for the diluent specifications).

2.3 CEMS Relative Accuracy (RA). The RA of the CEMS shall be no greater than 20 percent of the mean value of the reference method (RM) test data in terms of the units of the emission standard or 10 percent of the applicable standard, whichever is greater.

3. Relative Accuracy Test Procedure

3.1 Sampling Strategy for RM Tests, Correlation of RM and CEMS Data, Number of RM Tests, and Calculations. This is the same as Performance Specification 2, Sections, 7.1, 7.2, 7.3, and 7.5, respectively.

3.2 Reference Methods. Unless otherwise specified in an applicable subpart of the regulations, Method 16, Method 16A, or other approved alternative, shall be the reference method for TRS. Note: For Method 16, a set is made up of at least three separate injects equally spaced over time.

4. Bibliography

4.1 "Experimental Statistics," Department of Commerce, Handbook 91, 1963 pp. 3-31, paragraphs 3-3.1.4.

4.2 "A Guide to the Design, Maintenance and Operation of TRS Monitoring Systems," National Council for Air and Stream Improvement Technical Bulletin No. 89, September 1977.

4.3 "Observation of Field Performance of TRS Monitors on a Kraft Recovery Furnace," National Council for Air and Stream Improvement Technical Bulletin No. 91, January 1978.

[FR Doc. 81-21084 Filed 7-17-81; 6:45 am]

BILLING CODE 5560-26-M

¹ All references to Performance Specification 2 are to the one proposed on January 28, 1981 (46 FR 8352).

40 CFR Part 180

(PP 1E2443/1E2444/P181; PH-FRL-1886-6)

Glyphosate; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for the combined residues of the herbicide glyphosate and its metabolite aminomethyl phosphonic acid. This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This proposed regulation will establish a maximum permissible level for the combined residues of the subject herbicide and its metabolite in or on guavas and papayas at 0.2 part per million (ppm).

DATE: Written comments must be received on or before August 19, 1981.

ADDRESS: Written comments to: Donald Stubbs, Registration Division (TS-767C), Emergency Response Section, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition numbers 1E2443 and 1E2444 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii.

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of the herbicide glyphosate [N-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodities guavas and papayas.

The data submitted in the petitions and all other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a rabbit acute oral toxicity study with a lethal dose (LD₅₀) of 3.8 grams (g)/kilogram (kg) of body weight (bw); a 90-day rat feeding study with a no-observable-effect level (NOEL) of 2,000 ppm; a 90-day dog feeding study with a NOEL of 2,000 ppm; two rabbit teratology studies with a NOEL of 30 milligrams (mg)/kg of bw/day; a two-year dog feeding study with a NOEL of 300 ppm; a three-generation rat reproduction study with a NOEL of 100

ppm; an 18-month mouse feeding study with no carcinogenic potential at 300 ppm (highest level fed); a two-year rat feeding study with a NOEL of 100 ppm (5 mg/kg/day); a hen neurotoxicity study (negative at 10 mg/kg of bw); a host-mediated mutagenicity assay (negative) and Ames test (negative); and a Rec-assay mutagenicity test (negative).

Additional toxicological studies include a rat teratology study negative at 3,500 mg/kg/day with a fetotoxic NOEL of 1,000 mg/kg/day, a third rabbit teratology study negative for teratogenicity at 350 mg/kg/day with a fetotoxic NOEL at 175 mg/kg/day, and a mouse dominant lethal study negative at 2,000 mg/kg. Data currently lacking include oncogenicity studies in two animal species.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 5 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.05 mg/kg/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 3 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances and tolerances under review is calculated to be 0.5714 mg/day for a 1.5 kg daily diet. The current action is calculated to be 0.00018 mg/kg/day for a 1.5 kg diet.

The metabolism of glyphosate is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. There are presently no actions pending against the continued registration of the chemical. While the oncogenic potential of glyphosate is not fully elucidated, the chronic rat and mouse feeding studies provide assurance that glyphosate has a relatively low oncogenic potential. A further assurance of low risk with glyphosate is that, on a theoretical basis, the theoretical maximum exposure via the diet is about one-fifth of the ADI.

Based on the above information considered by the agency, it is concluded that the tolerances established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, which contains any of the ingredients listed herein may request, on or before August 19, 1981, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the

proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number, "[PP 1E2443/1E2444/P181]." All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514, 21 U.S.C. 346a(e))

Dated: July 2, 1981.

Douglas C. Campl,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR 180.364 is amended by adding "guavas" and "papayas" to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

Commodities	Part per million
Guavas	0.2
Papayas	0.2

[FR Doc. 81-21106 Filed 7-17-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF TRANSPORTATION

46 CFR Parts 25, 33, 75, 94, 108, 160, 164, 180, 192

(CGD 80-155a)

Lifesaving Equipment; Revocation of Obsolete Specifications

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to revoke the approval specification for cork and balsa wood ring life buoys, and the material specifications for cork and balsa wood. These ring buoys are no longer manufactured. The requirement for ring life buoys would be amended to allow buoys approved under these specifications to be used as long as they are in good and serviceable condition. This action would eliminate obsolete regulations from the Code of Federal Regulations.

DATE: Comments must be received on or before September 3, 1981.

ADDRESSES: Comments may be mailed to Commandant (G-CMC/24), (CGD 80-155a), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1477 between the hours of 7 a.m. and 5 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Frank K. Thompson, Merchant Marine Technical Division, (G-MMT/12), Office of Merchant Marine Safety, Room 1216, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-2174.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person making them, identify this notice (CGD 80-155a) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If an acknowledgment is desired, a stamped, addressed postcard should be enclosed.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial.

Drafting Information

The principal persons involved in drafting this proposal are Mr. Frank K. Thompson, Project Manager, Office of Merchant Marine Safety, and Lieutenant Walter J. Brudzinski, Project Counsel, Office of the Chief Counsel.

Discussion

The Coast Guard proposes to revoke 46 CFR Subpart 160.009, the approval specification for cork and balsa wood ring life buoys. Because these items are no longer manufactured, a specification for their approval is unnecessary. Ring life buoys made of foam plastic (see 46 CFR 160.050) have replaced the wooden type and would be the only type of ring life buoy approved by the Coast Guard. Cork and balsa wood ring life buoys approved under the revoked subpart may, however, be used as long as they are in good and serviceable condition. With the revocation of Subpart 160.009, the material specifications for sheet cork, Subpart 164.001, and for balsa wood, Subpart 164.002 would be unnecessary and therefore the Coast Guard proposes that they also be revoked.

These revocations would require amendments to the various requirements for ring life buoys on vessels and structures which are located throughout Title 33 and 46, Code of Federal Regulations. Proposed amendments to Title 33 similar in language and form to these amendments, are set out in a separate rulemaking document in this issue of the Federal Register.

Evaluation

The Coast Guard has evaluated this proposal under Executive Order 12291 and found that it is not a major regulation. This proposal has also been reviewed under the DOT Order 2100.5 Policies and Procedures for Simplification, Analysis and Review of Regulations and determined to be a nonsignificant regulatory action for which a Regulatory Analysis is not required. Because these amendments would revoke outdated approval specifications, but allow equipment previously approved under those specifications to remain in use as long as it is in good and serviceable condition, there is no economic effect. The expected impact of these amendments is so minimal that they do not warrant a full evaluation under DOT Order 2100.5. For these reasons the Coast Guard certifies, in accordance with section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354), that this proposal will not have a significant economic effect on a substantial number of small entities.

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 46, Code of Federal Regulations as follows:

PART 25—REQUIREMENTS

1. By revising § 25.25-5(d) to read as follows:

§ 25.25-5 Life preservers and other lifesaving equipment required.

(d) In addition to the equipment required by paragraph (b) or (c) of this section, each vessel 26 feet in length or longer must have at least one approved ring life buoy, constructed in accordance with Subpart 160.050 of this chapter; except a ring life buoy that was approved under former Subpart 160.009 of this chapter may be used as long as it is in good and serviceable condition.

PART 33—LIFESAVING EQUIPMENT

2. In § 33.40-1, by revising paragraph (a) read as follows:

§ 33.40-1 Ring life buoys and water lights, general requirements—TB/ALL.

(a) Each ring life buoy must be of an approved type, constructed in accordance with Subpart 160.050 of this chapter; except a ring life buoy that was approved under former Subpart 160.009 of this chapter may be used as long as it is in good and serviceable condition.

PARTS 75, 94 and 192—LIFESAVING EQUIPMENT

3. In §§ 75.43-5, 94.43-5, 180.30-1, and 192.43-5, by revising paragraph (a) to read as follows:

§ —. General.

(a) Each ring life buoy must be of an approved type, constructed in accordance with Subpart 160.050 of this chapter; except a ring life buoy that was approved under former Subpart 160.009 of this chapter may be used as long as it is in good and serviceable condition.

PART 108—DESIGN AND EQUIPMENT

4. By revising § 108.515(b)(2) to read as follows:

§ 108.515 Ring life buoys.

(b) * * *

(2) Be approved under Subpart 160.050 of this chapter; except a ring life buoy that was approved under former Subpart 160.009 of this chapter may be used as long as it is in good and serviceable condition.

PART 160—LIFESAVING EQUIPMENT

5. By removing and reserving Subpart 160.009—"Specification for a Buoy, Life

Ring, Cork or Balsa Wood for Merchant Vessels and Boats."

PART 164—MATERIALS

6. By removing and reserving Subpart 164.001—"Cork, Sheet, for Merchant Vessels," and Subpart 164.002—"Balsa Wood, for Merchant Vessels."

PART 180—LIFESAVING EQUIPMENT

7. By revising § 180.05-1(b)(7) to read as follows:

§ 180.05-1 Equipment of an approved type.

(b) * * *

(7) Ring Life Buoys..... 180.050

(46 U.S.C. 369, 375, 390b, 416 and 481; 49 U.S.C. 1605, 49 CFR 1.46(b))

Dated: July 6, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-21174 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-14-M

46 CFR Part 45

[CGD 80-116]

Portable Deadlights on Great Lakes Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to revise the regulations which require hinged inside deadlights on side scuttles of vessels assigned Great Lakes loadlines. The revision would allow superstructure end bulkhead, companionway, and deckhouse doors leading to the freeboard decks to have either hinged or portable inside deadlights on port lights. Portable inside deadlights would facilitate the use of screen doors and avoid awkward screen door arrangements. Screen doors would enhance ventilation without compromising safety.

DATES: Comments must be received on or before September 3, 1981.

ADDRESSES: Comments may be submitted to Commandant (G-CMC/44), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for examination at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, D.C. 20593, between 7 a.m. and 5 p.m., Monday through Thursday, except holidays.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank K. Thompson, Office of Merchant Marine Safety (G-MMT/12), U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-2174, between 7:30 a.m. and 5 p.m., Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written data, views, or arguments. Comments should include the name and address of the person submitting them, identifying this notice (CGD 80-116) and the specific action of the proposal to which the comment applies, and give the reasons for the comments. All comments received before the expiration of the comment period will be considered before final action is taken on the proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the *Federal Register* if it is requested in writing by an interested person who is raising a genuine issue and desires to comment at the public hearing.

Drafting Information

The principal persons involved in drafting this proposal are Mr. Frank K. Thompson, Project Manager, Office of Merchant Marine Safety, and Lieutenant Collin Lau, Project Attorney, Office of the Chief Counsel.

Background

A "deadlight" is a metal plate used to cover a glass "port light" during heavy weather. A "hinged inside deadlight" is one which is permanently attached by hinges to the inside of a door and can be secured from the inside. A "portable deadlight" is a metal plate which, when not in use, can be removed from the port light and stowed in a nearby accessible location inside the superstructure, companionway, or deckhouse.

Discussion of the Proposed Rule

The existing rule in § 45.139(b) of this part requires the use of hinged inside deadlights on side scuttles of Great Lake loadlines certificated vessels. Hinged deadlights on doors hinder the installation of inside screen doors. This has caused awkward screen door arrangements.

The proposed rules §§ 45.139(b) and (c), would relax the existing rule to permit the use of portable deadlights on superstructure, companionway, and deckhouse doors. Portable deadlights would enhance ventilation because they would facilitate the installation of inside

screen doors, but would not detract from the safety of the vessel.

Draft Evaluation

The proposed regulations have been evaluated under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis and Review of Regulations", dated May 22, 1980, and have been determined to be nonsignificant. The proposed rules will relax the existing regulations which require hinged inside deadlights on port lights of vessels assigned Great Lakes loadlines. The use of portable deadlights is permissive, not mandatory. Because of this, the expected impact of the proposed regulations is so minimal that no evaluation has been prepared.

Regulatory Impact Analysis

No regulatory impact analysis is required because the proposed rule is not a major rule as evaluated under Executive Order 12291. The proposed rule would merely permit the use of portable deadlights which in turn would avoid awkward screen door arrangements. Consequently, there would be insignificant effect on the economy in terms of domestic or international competition, cost, or price increases, employment, investment, productivity, or innovation.

Regulatory Flexibility Analysis

The proposed regulations have been evaluated under the Regulatory Flexibility Act, (Pub. L. 96-354, 94 Stat. 1168) and are certified to have no significant economic impact on a substantial number of small entities. No significant impact was found because this permissive rule will relax existing regulations which require hinged inside deadlights on port lights of vessels assigned Great Lakes loadlines and the cost of deadlights is insignificant in relation to the cost of constructing or operating a vessel.

In consideration of the foregoing, it is proposed that 46 CFR 45.139 be amended by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 45.139 Side scuttles.

(b) Except as provided for in paragraph (c) of this section, each side scuttle to a space below the freeboard deck, or to a space within an enclosed superstructure, must have an hinged

inside deadlight which is designed so that it can be secured watertight over the side scuttle.

(c) A port light of a superstructure end bulkhead door, companionway door, or deckhouse door may have a portable deadlight which is designed so that it can be:

(1) Secured watertight over the port light; and

(2) Stowed inside the superstructure, companionway, or deckhouse when not in use, in a readily accessible location on or adjacent to the door.

(46 U.S.C. 889, 49 U.S.C. 1655(b)(1), and 49 CFR 1.4(b) and 1.46(b))

Dated: July 13, 1981.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-21177 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-14-M

Notices

Federal Register

Vol. 46, No. 138

Monday, July 20, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981—Crop Peanut Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1981—crop peanut support levels.

SUMMARY: This notice of determination sets forth, effective with respect to the 1981 crop of peanuts (1) the national level of support for quota peanuts and (2) the national level of support for additional peanuts. This determination is necessary to satisfy the statutory requirements as provided for in Section 108 of the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act").

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Price Support and Loan Division, ASCS, USDA, 3741—South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: David Kincannon (ASCS) (202) 447-6733. The Final Impact Analysis describing the options considered in developing this determination and the impact of implementing each option is available upon request from Gypsy Banks, (ASCS), (202) 447-6733.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and has been classified "not major." It has been determined that these program provisions will not result in an annual effect on the economy of \$100 million or more.

The title and number of the federal assistance program that this final rule applies to is: Title—Commodity Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance. This action will

not have significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

A notice that the Secretary was preparing to make determinations with respect to the provisions of Section 108 of the Act was published in the *Federal Register* on December 24, 1980 (45 FR 85039). The written comment period ended January 30, 1981. All comments received through this date were considered in making the final determination. There were 313 responses—3 from members of Congress; 23 from peanut grower organizations; 5 from general farm organizations; 2 from shellar organizations; 7 from local banks; 6 from State governments, 251 from individuals; 8 from agribusinesses; 2 from area marketing associations; 1 from a county board of commissioners; and 5 from individuals not categorized by one of the preceding categories.

Summary of Comments Reviewed

Quota price support level, 313 commentators. All respondents recommended an increased support level, the recommendations ranging from \$520 to \$850 per ton. Ninety-one individuals and 131 organizations recommended a level in the range of \$600 to \$649 per ton. Fifty-five individuals and 5 organizations recommended a level of \$700 or more per ton. Forty-five individuals and 2 organizations recommended \$650 to \$699 per ton. Nine individuals and 4 organizations recommended \$800 per ton or lower.

The majority agreed that the level of support should cover the costs of production. Five individuals suggested the loan level should reflect a percentage of parity, the two levels being 75 percent of parity and 100 percent. Fourteen comments were not related to the proposed determinations.

Additional price support level, 68 commentators. Ten individuals and 13 organizations recommended that the loan rate for additional peanuts be established at a level which would assure no program costs would be incurred by the Government. Thirteen individuals and 3 organizations recommended levels within the \$400 to \$600 per ton range. Twelve individuals

recommended the support level for additional peanuts be the same as for quota peanuts. The majority of the remaining respondents recommended levels within the range of \$200 to \$400 per ton.

Determination

After taking into consideration the comments received as well as the applicable statutory provisions, the following determinations are being made with respect to the 1981 crop of peanuts:

A. Applicability. The support prices specified herein apply to 1981-crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for price support under the General Price Support Regulations (44 FR 33827) at 7 CFR, Part 1446.

B. National average level of support, quota peanuts. The national average level of support for 1981-crop quota peanuts is \$455 per ton.

Section 108(a) of the Act provides that the Secretary shall make price support available to producers through loans, purchases, or other operations on quota peanuts of the 1981 crop at such level as he finds appropriate, but not less than \$420 per ton. In determining price support levels, Section 108(a) of the Act directs the Secretary to take into consideration (a) any change in the index of prices paid by farmers for production items, interest, taxes, and wage rates during the period January 1 through December 31, 1980, inclusive, and (b) the eight factors specified in Section 401(b) of the Act, namely the supply of the commodity in relation to the demand therefor, the levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. In accordance with the criteria set forth above in Section 108(a) of the Act with respect to determining price support levels, the following data were considered:

1. Index of prices paid for production items, interest, taxes, and wage rates. The increase in the Prices Paid Index (1910-1914 = 100) during 1980 was about

12 percent. A comparable increase in the 1980 crop price support level of \$455 per ton would result in a loan rate of about \$510 per ton.

2. The eight factors to be considered, as specified in Section 401(b) of the Act, are as follows:

(a) *Supply of the commodity in relation to demand.* The estimated supply of 1981-crop peanuts is projected to exceed estimated requirements for domestic edible use, exports and carryover based on the following data:

1981-Crop Peanuts—Projected Supply and Demand with Most Likely U.S. Weather, 1981 Marketing Year in thousand tons

Projected supply:	
Carryin	100
Marketings and imports	1,873
Total supply	1,973
Projected utilization:	
Domestic edible, seed and related	1,200
Exports	425
Loan surplus	33
Total demand	1,658
Carryover	315

(b) *Price levels at which other commodities are being supported.* The quota loan level of \$455 per ton reflects 56.0 percent of February parity. Of the 1981 price support levels announced, dairy at 80 percent, wool at 72.3 percent, and mohair at 72.3 percent reflect a higher percentage parity. The support for 1981 upland cotton and ELS cotton at 47.3 and 55, respectively, reflects a lower percentage of parity. The calculated percentages are based on parity at the time support levels were announced.

1981 Price Support Level

Commodity:	
Dairy (cwt.)	13.10
Upland cotton (lb.)	.5248
ELS cotton (lb.)	.99
Wool (lb.)	1.35
Mohair (lb.)	3.718

(c) *Availability of funds.* Program costs are projected at \$4.8 million for the 1981 crop, under most likely U.S. weather conditions. It is estimated that Commodity Credit Corporation (CCC) funds will be available for this purpose.

(d) *The perishability of the commodity.* It is hazardous to hold peanuts in dry storage through the hot summer months because of danger of loss due to deterioration, insect infestation, or rodent damage. Shelled peanuts can be kept in cold storage for two years or more with little loss of weight or quality; however, the costs incurred would be prohibitive.

(e) *Importance of commodity to agriculture and the national economy.*

Nationally, peanuts are a minor crop, representing about 1 percent of the total farm value of all U.S. crops. However, peanuts are an important crop in the major peanut-producing States and are extremely important to the economies of areas within those States. In 1980, over 98 percent of U.S. peanuts were produced in the following States: Georgia (43.3 percent), Alabama (11.3 percent), Florida (8.1 percent), North Carolina (12.6 percent), Virginia (5.6 percent), Texas (31.1 percent), and Oklahoma (6.2 percent). The value of production from the 1980 crop is estimated at \$539 million.

(f) *The ability to dispose of stocks acquired through price support operations.* There is an immediate dollar market for peanuts for crushing at competitive prices. For the 1981 crop, projections indicate that CCC could lose \$135 per ton on 33,000 tons of quota peanuts.

(g) *The need for offsetting temporary losses of export markets.* U.S. exports of peanuts in the 1980-81 marketing year is estimated to be around 287,500 tons, 46 percent below the 1979 exports of 532,000 tons. Whether the losses in export markets can be regained during the 1981-82 marketing year will depend largely on peanut yields in the U.S. and on export availabilities from India and other producers of peanuts for edible use. The latest projection for 1981-82 U.S. exports is 425,000 tons, consisting of 161,000 tons of quota peanuts and peanut products, and 264,000 tons of additional peanuts. If 1981-82 export demand is higher, or the supply of additional peanuts is lower than projected, quota loan stocks will be available, at or above the quota loan rate, to make up the shortfall.

(h) *The ability and willingness of producers to keep supplies in line with demand.* In a referendum held December 8 through 11, 1980, 89.2 percent of the growers voting approved marketing quotas and acreage allotments for the 1981 through 1983 crops of peanuts.

After consideration of the comments received and the above data, the Secretary has determined that the national level of support for 1981-crop quota peanuts will be \$455 per ton, the same as the 1980 level. This \$455 per ton level is projected to assure an adequate peanut supply, cover 95 percent of the costs of production on a tonnage basis (assuming a planted acre yield of 2,569 pounds and an increase in per acre operating costs of 12 percent) and as a percent of January parity is fourth highest among announced 1981 support levels for other commodities. A quota loan rate above \$455 per ton was rejected primarily as being more

inflationary, would increase program costs and would not be needed to assure adequate supplies for domestic edible, export, and carryover requirements.

C. *National average level of support, additional peanuts.* The national average level of support for 1981-crop additional peanuts is \$250 per ton.

Section 108(b) of the Act provides that the Secretary shall make price support available to producers through loans, purchases, or other operations on 1981-crop "additional peanuts," which are defined in the Act as any peanuts which are marketed from a farm and which are in excess of the marketings of quota peanuts from such farm for the marketing year, but which are not in excess of the actual production from the farm acreage allotment. This Section requires that the loan rate for 1981-crop additional peanuts shall be announced no later than February 15, 1981, and that in determining this rate, the Secretary shall take into consideration the following:

1. *Demand for peanut oil and meal.* With the 42 percent decrease in 1980-81 production, peanut supplies available for crushing are expected to be down by 30 percent or more from the 571 million pounds crushed last season. Some supplies will be channeled into the crushing market because of the poor peanut quality caused by drought conditions. For the 1981 crop, peanut oil prices could range from 30-40 cents per pound and meal prices could be about \$255 per ton, compared with 32 cents per pound and \$200 per ton, respectively, for the 1980 crop.

2. *Expected prices of other vegetable oils and protein meals.* World aggregate in 1980-81 production of oilseeds and related products is estimated at 177.8 million tons, with peanuts accounting for about 10 percent of the total. Because of soybean dominance of the total supply—soybeans account for about 51 percent of the aggregate world production of oil crops—they will lead the demand supply price patterns for oilseeds. Soybean oil prices during 1980-81 are expected to average around 3 percent below 1979-80. Reduced soybean meal supplies will push prices about the \$180 per ton average last year to about \$230 per ton for crop year 1980. The outlook for the 1981 crop year is for soybean oil price to average 26 cents per pound and soybean meal price to average \$255 per ton.

3. *Demand for peanuts in foreign markets.* The demand for U.S. peanuts in foreign markets is expected to remain strong. The U.S. is expected to supply 425,000 tons to the export market in the 1981 marketing year, a sharp increase

from the 273,000 tons expected in 1980-81.

Taking into consideration these factors and the comments received, the Secretary has determined that the national level of support for 1981-crop additional peanuts will be \$250 per ton. This level is projected to reduce the risk of loss to CCC and should not adversely affect producer income, since profits made on such peanuts can be returned to producers.

This determination is an affirmation of an announcement by the Secretary on February 13, 1981, with respect to the final loan levels for the 1981-crop quota and additional peanuts.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended, (15 U.S.C. 714 b and c); secs. 101, 108, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445c, 1421); sec. 359, 52 Stat. 31, as amended (7 U.S.C. 1359).

Signed at Washington, D.C. on July 14, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-21041 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-05-M

1981 Peanut Program

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture.

ACTION: Notice of determination of the 1981-crop peanut loan and purchase program differentials.

SUMMARY: The Commodity Credit Corporation (CCC) has previously announced the national level of price support for 1981-crop quota and additional peanuts. This notice of determination sets forth for 1981-crop peanuts adjusted loan and purchase rates for quota and additional peanuts for differences in type, quality, location and other factors. These differentials have been calculated in order to make price support available to eligible producers as required by the Agricultural Act of 1949, as amended.

EFFECTIVE DATE: July 20, 1981.

ADDRESS: Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, Price Support and Loan Division, ASCS, USDA, 3752-South Building, P.O. Box 2415, Washington, D.C. 20013 (202) 447-6733. The Final Impact Analysis describing the options considered in developing this determination and the impact of implementing each option is available upon request from Gypsy Banks.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and has been classified "not major." It has been determined that this determination will not result in an annual effect on the economy of \$100 million or more.

It is determined after review of these regulations for need, currency, clarity, and effectiveness that no additional changes be made.

The title and number of the federal assistance program that this final rule applies to are: Title—Commodity Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance. This proposed action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

Harold L. Jamison, Director, Price Support and Loan Division, Agricultural Stabilization and Conservation Service, has determined that an emergency situation exists which warrants publication of this notice of determination without opportunity for public participation as required by Secretary's Memorandum 1955 and by 5 U.S.C. 553. Peanut producers need to know immediately the support levels and differentials applicable to 1981-crop peanuts in order to market their quota and additional peanuts.

The 1981-Crop Peanut Loan and Purchase Program is authorized by the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act"), and the Commodity Credit Corporation Charter Act, as amended. The program is intended to stabilize market prices and to protect producers, handlers, processors and consumers. The 1981-Crop Peanut Loan and Purchase Program, announced on February 13, 1981, established the national average support values for the 1981 crop at \$455 per ton for quota peanuts and \$250 per ton for additional peanuts. Section 403 of the Act provides that appropriate adjustments may be made in type, quality, location and other factors. The average of any such adjustments shall, so far as practicable, be equal to the level of support for peanuts for the applicable crop year. The options considered for determining the 1981 crop differentials were Virginia type Sound Mature Kernels (SMK) 2 percent above and Spanish type SMK one-half percent above Runner type SMK, and Virginia type SMK 3.9 cents above Runner type and Spanish type SMK.

It has been determined that the premiums, discounts, quality and

location adjustments and other factors applicable to the support price for 1981 crop quota and additional peanuts shall remain the same as for the 1980 crop. It has further been determined that the percentage factor used in calculating the loan value for the 1981 crop of additional peanuts will continue to be 54.95 percent since the national average loan rates for 1981-crop quota and additional peanuts are unchanged from the 1980 levels. The sound mature kernel (SMK) value of Virginia type peanuts shall be 2 percent above and Spanish type one-half percent above the SMK value of Runner type peanuts, the same as for 1980 crop peanuts.

The historical objective of price support differentials has been to offer to eligible producers price support levels by type, quality, and location that are representative of the differences in market values between these types and qualities of peanuts. In addition, the statute authorizing the program requires that if any adjustments are made in the support level for any commodity for type, quality, or location, such adjustments shall be made in such manner that the average support for the commodity will, on the basis of the anticipated incidence of such factors, be equal to the national average support level. The type, quality, and location differentials which have been established are in accordance with this requirement.

Determination

1. *Average support values by type for quota peanuts.* The support values by type per average grade ton of 1981-crop quota peanuts are:

Type:	Average grade ton
Virginia	\$451.69
Runner	459.09
Spanish	437.89
Valencia	
Southwest area—suitable for cleaning and roasting	451.69
Southwest area—not suitable for cleaning and roasting	437.89
Areas other than Southwest	437.89

2. *Calculation of support values for quota peanuts.* The support price per ton for 1981-crop quota peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums and discounts (with no value assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 8 cents per pound of kernels in the lot:

(a) *Kernel value per ton excluding loose shelled kernels.* (1) The price per

ton for each percent of sound mature and sound split kernels shall be:

Type:	Percent
Virginia.....	\$6.518
Runner.....	6.390
Spanish.....	6.422
Valencia.....	
Southwest area—suitable for cleaning and roasting.....	6.786
Southwest area—not suitable for cleaning and roasting.....	6.422
Areas other than Southwest.....	6.422

(2) The price per ton for each percent of other kernels shall be:

	Percent
All types.....	\$1.40

(3) The premium per ton for each percent of extra large kernels in Virginia shall be:

Type:	Percent
Virginia extra large kernels.....	\$0.45

However, no premium for extra large kernels shall be applicable to any lot of such peanuts containing more than 4 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.* The price for each pound of loose shelled kernels shall be:

	Pound
All types.....	\$0.07

(c) *Foreign material discount.* For all types of peanuts, the discount per ton for foreign material shall be as follows:

Percent	Discount
0-4.....	\$0
5.....	1.00
6.....	2.00
7.....	3.00
8.....	4.00
9.....	5.00
10.....	6.00
11.....	7.00
12.....	8.50
13.....	10.00
14.....	11.50
15.....	13.00
16 and over.....	1

¹ For each full percent in excess of 15 percent deduct an additional \$2.

(d) *Sound split kernel discount.* For all types of peanuts, the discount per ton for sound split kernels shall be as follows:

	Discount
Peanuts containing sound split kernels of:	
1 through 4 percent.....	\$0
5 percent.....	1.00
6 percent.....	1.60
7 percent and over.....	1

¹ For each full percent in excess of 6 percent deduct an additional \$0.80.

(e)(1) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

	Discount
Peanuts containing damaged kernels of:	
1 percent.....	\$0
2 percent.....	3.40
3 percent.....	7.00
4 percent.....	11.00
5 percent.....	25.00
6 percent.....	40.00
7 percent.....	60.00
8 to 9 percent.....	80.00
10 percent and over.....	100.00

(2) Notwithstanding the above discount schedule, the damaged kernel discount for Segregation 2 peanuts transferred from additional to quota loan pools shall not exceed \$25 per ton.

(f) *Price adjustment for peanuts sampled with other than a pneumatic sampler.* The support price per ton for Virginia-type peanuts sampled with other than a pneumatic sampler shall be reduced by \$0.10 per percent sound mature and sound split kernels.

(g) *Mixed type discount.* Individual lots of farmer stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any type will be supported at a rate which is \$10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(h) *Location adjustments to support prices.* Farmers stock peanuts delivered to the associations for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

	Per ton
Arizona.....	\$25.00
Arkansas.....	10.00
California.....	33.00
Louisiana.....	7.00
Mississippi.....	10.00
Missouri.....	10.00
Tennessee.....	25.00

(i) *Virginia Type Peanuts.* Virginia type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at $\frac{3}{16}$ inch space. Virginia type peanuts so determined to contain less than 40-percent "fancy" size peanuts will be supported (but not classed) as though they were Runner type.

(j) *Discount for Aspergillus flavus mold (segregation 3 peanuts).* There will be no discount applied to segregation 3 peanuts for A. flavus mold when such peanuts are placed under loan at additional loan rate. Should such peanuts later be transferred to a quota loan pool under 7 CFR 1446.16, they will be discounted at the rate of \$25 per net

ton from the quota price support loan rate.

3. *Calculation of support values for additional peanuts.* The support price per ton for 1981-crop additional peanuts of a particular type and quality shall be calculated on the basis of 54.95 percent of the same rates, premiums, and discounts as are applicable to quota peanuts. This percentage was computed by dividing the national average support rate per ton for additional peanuts by the national average support rate per ton for quota peanuts.

Signed at Washington, D.C. on July 14, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-21049 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-05-M

Office of the Secretary

Compliance With Section 504 of the Rehabilitation Act of 1973, as Amended, by Recipients of Federal Financial Assistance From USDA

AGENCY: Department of Agriculture.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT:

Anthony J. Buccitelli, Attorney, Office of the General Counsel (447-5837).

In the case of *Paralyzed Veterans of America, et al. Plaintiffs v. William French Smith, etc., et al.*, United States District Court, Central District of California, No. 79-1979 WPG, the Honorable William P. Gray ordered the United States Department of Agriculture to notify all recipients of federal financial assistance from the United States Department of Agriculture that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), even though the United States Department of Agriculture has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 CFR Part 84). Recipients of federal financial assistance from the United States Department of Agriculture may look to the HEW regulation for guidance as to their obligation under section 504 of the Rehabilitation Act.

Dated: July 14, 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-21066 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-01-M

Soil Conservation Service

Grassy-Troublesome Creeks Watershed, Missouri

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT:

Kenneth G. McManus, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65201, telephone 314/442-2271.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Grassy-Troublesome Creeks Watershed, Knox, Lewis, and Marion Counties, Missouri.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Kenneth G. McManus, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection and prevention. The planned works of improvement include land treatment and reservoirs for floodwater detention and erosion control.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The

draft environmental impact statement will be developed by Kenneth G. McManus, State Conservationist.

Dated: July 9, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

[FR Doc. 81-21166 Filed 7-17-81; 8:45 am]

BILLING CODE 3410-16-M

Middle Fork, Maple Creek Watershed, Nebraska

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Albert E. Sullivan, State conservationist, Soil Conservation Service, Federal Building, Room 345, 100 Centennial Mall N., P.O. Box 82502, Lincoln, Nebraska 68501, telephone (402) 471-5300.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service, Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Middle Fork, Maple Creek Watershed, Colfax and Stanton Counties, Nebraska.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Albert E. Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

This watershed plan describes a plan of accelerated land treatment including terraces, grassed waterways or outlets, underground outlets, diversions, grade stabilization structures, water and sediment control basins, critical area plantings, farmstead and feedlot windbreaks, irrigation pit or regulating reservoirs, pasture and hayland plantings, range seedings, and waste treatment lagoons. These conservation practices will reduce soil depletion by sheet and rill erosion, increase production, reduce voiding and depreciation of land by gully erosion,

reduce flood plain deposition, improve water quality, and reduce sediment yields.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Albert E. Sullivan. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

implementation of the proposal will not be initiated until August 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904 Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 7, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-21166 Filed 7-7-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL RIGHTS COMMISSION

South Dakota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory committee to the Commission will convene at 9:00a and will end at 1:00p, on July 24, 1981, at the Imperial Motel, 125 Main Street, the Pioneer Room, Rapid City, South Dakota 57701. The purpose of this meeting is to plan future committee activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Mary E. McEldowney, 327 Kansas City Street, Rapid City, South Dakota 57701, (605) 787-5446; or the Rocky Mountain Regional Office, Brook Towers, Suite 2235, 1020 15th Street, Denver, Colorado 80202.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. July 1 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-21166 Filed 7-17-81; 8:45 am]

BILLING CODE 5335-01-M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00p and will end at 9:00p, on August 11, 1981, at Hoff, Wilson and Powell, 192 College Street, Burlington, Vermont 05401. The purpose of this meeting is to discuss the proposed information kit on prejudice, the information kit on sexual harassment, revisions in the state's juvenile justice laws and the status of the report on Franco-Americans.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Philip H. Hoff, 192 College Street, Hoff, Wilson and Powell, Burlington, Vermont 05401, (802) 863-3992 or the Regional Office, 55 Summer Street 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 13, 1981.
John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-21107 Filed 7-17-81; 8:45 am]

BILLING CODE 5335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Castor Oil Products From Brazil; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of Administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain castor oil products from Brazil. The review is based upon information for the period January 1, 1979, through December 31, 1979. As a result of this review, the Department has preliminary determined the amount of the net subsidy to be 2.71 percent of the f.o.b. invoice price on the merchandise. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance,

Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION: On March 16, 1976, a notice of "Countervailing Duties—Castor Oil Products from Brazil," T.D. 76-80, was published in the Federal Register (41 FR 11018). The notice stated that the Department of the Treasury had determined that exports of certain castor oil products from Brazil benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreement Act of 1979 became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On January 4, 1980, T.D. 80-13 was published in the Federal Register (45 FR 1013) announcing the suspension of liquidation of all entries, or withdrawals from warehouse, for consumption of this merchandise exported from Brazil on or after December 7, 1979. The Department published in the Federal Register of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on certain castor oil products from Brazil.

Scope of the Review

Imports covered by this review are hydrogenated castor oil and 12-hydroxystearic acid imported directly or indirectly from Brazil. These imports are currently classifiable under items 178.20 and 490.26, respectively, of the Tariff Schedules of the United States.

There are three known exporters of this merchandise to the United States. The review is based on information from two of these exporters (representing 96% of exports) for the period January 1, 1979, through December 31, 1979, and is limited to the benefits received under programs for preferential financing for exports and income tax exemptions for exports earnings. Programs overrebatting the Industrial Products Tax (IPT) and the Goods Circulation Tax (ICM), found countervailable in the order, were eliminated by December 7, 1979, and have no impact on the 1979 entries of this merchandise subject to this review.

Analysis of Programs

(1) *Working capital financing at rates lower than those commercially available.* Under this program, companies are declared eligible to receive working capital loans by CACEX (the Department of Foreign Commerce of the Banco Central, do Brasil), with the loans a duration of up to one year. Firms producing castor oil products can obtain preferential financing for up to 20 percent of the value of the previous year's exports.

The commercial rate paid for the acquisition of short-term working capital is the rate established by the Banco do Brasil for discounting sales of accounts receivable. Although we are comparing the terms of a loan with the term of a sale of an asset, we have used this comparison because information provided by the Government of Brazil indicates that, within the Brazilian financial system, working capital is normally raised through the sale of accounts receivable.

During 1979, the two reviewed firms contracted for all of their loans at preferential discount rates provided for under Resolution 515 of the Banco Central do Brasil. The preferential rate available under the resolution was 8.0 percent, with an effective annual rate of 8.7 percent. The commercial rate for acquiring working capital was 22.7 percent, plus a 2.4 percent tax on financial transactions. Loans under the preferential financing program are exempt from this tax, thus the total difference between the commercial rate and the preferential rate was 16.4 percent.

On December 7, 1979, the publication of Resolution 583 completely revised the method of calculation of discount rates for preferential financing of exports. The effect of this resolution and its successors in 1980 (Resolutions 602 and 641) was to reduce considerably the benefits to exporters from the preferential financing program. However, because these companies did not contract for loans under Resolution 583, this change had no impact on the merchandise subject to this review.

For 1979, the amount saved divided by total export revenues produced a weighted-average benefit under this program for the two companies of 2.55 percent *ad valorem*.

With the publication of successor Resolution 674, effective January 22, 1981, there has been a considerable increase in benefits under this program. This latest resolution established a fixed interest (rather than discount) rate of 40 percent, with interest payable semi-

annually and the principal fully pays on the due date of the loan. The effective rate of interest for these loans is 44 percent. The comparable rate for discounting sales of accounts receivable is now 59.6 percent plus a 6.9 percent tax on financial transactions from which preferential loans remain exempt. Therefore, based upon the most current information available, we have estimated a potential benefit under this program of 4.5 percent *ad valorem* on future entries.

(2) *Income tax exemptions for export earnings* Under this program, the percentage of profit attributable to export revenue is exempt from income tax. To arrive at this percentage, export revenue is divided by total revenue. Because the Brazilian government counts IPI credits as revenue for tax purposes, the amount of IPI credits earned during 1979 is incorporated into both export and total revenue figures.

Despite the elimination of IPI credits on December 7, 1979, all such credits earned prior to that date were counted among export and total revenues for 1979. This procedure inflated export revenues as a percentage of total revenues and consequently raised the percentage of profit exempt from income taxes. On a weighted-average basis for both firms, the net value of the program is 0.16 percent *ad valorem*.

Verification

Department officials verified the information relied upon in reaching this preliminary determination through examination of government and company documents and discussions with officials of the Government of Brazil. Examples of the type of documents examined include official announcements of government programs, income tax returns, financial statements of firms, loan applications and certificates of eligibility for preferential loans received by the firms.

Preliminary Results of the Review

As a result of our calculations, we preliminarily determine that the aggregate net subsidy conferred by the Government of Brazil on the export of certain castor oil products is 2.71 percent of the f.o.b. invoice price.

The Department intends to instruct the Customs Service to assess countervailing duties of 2.71 percent of the f.o.b. invoice price on all unliquidated entries of certain castor oil products exported from Brazil during the period December 7, 1979, through December 31, 1979. All unliquidated entries exported from Brazil before December 7, 1979 shall be liquidated

according to instructions in earlier Federal Register notices dated March 18, 1976 (41 FR 11018), July 3, 1979 (44 FR 38839), September 28, 1979 (44 FR 55825) and February 26, 1980 (45 FR 12413).

Further, as required by section 751(a)(1) of the Tariff Act, a cash deposit of estimated countervailing duties of 4.66 percent of f.o.b. invoice price shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the present review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, a deposit of estimated duties of 1.0 percent of the f.o.b. invoice price shall continue to be required on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended.

Interested parties may submit written comments within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any requests for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 14, 1981.

[FR Doc. 81-21061 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-25-M

Department of Commerce—NOAA; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and

Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 81-00088. Applicant: U.S. Department of Commerce—NOAA, National Marine Fisheries Service, Atlanta Environmental Group, RR 7A, Box 522A, Narragansett, RI 02882. Article: Undulating Oceanographic Recorder—Mark II. Manufacturer: Almondbury Development Co., Ltd., United Kingdom. Intended use of article: See Notice on page 18570 in the Federal Register of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a 3.7 to 28 kilometers preselected undulation length and continuously records data over an extended depth range. The National Bureau of Standards advises in its memorandum dated June 17, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes at this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-21057 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-25-M

Howard University and University of Illinois; Consolidated Decision on Applications for Duty-Free Entry of Nuclear Magnetic Resonance Spectrometers

The following is a consolidated decision on applications for duty-free entry of nuclear magnetic resonance spectrometers pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e)).

A copy of the record pertaining to each of the applications in this

consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 81-00023. Applicant: Howard University, Department of Chemistry, Washington, D.C. 20059. Article: Excimer-Multigas Laser, Model EMG-200. Manufacturer: Lambda-Physik, West Germany. Intended use of article: See Notice on page 11694 in the *Federal Register* of February 10, 1981. Advice submitted by: National Bureau of Standards: May 13, 1981. Date of order: May 7, 1980.

Docket No.: 81-00054. Applicant: University of Illinois, Urbana, Illinois 61801. Article: Excimer-Multigas Laser, Model EMG-102. Manufacturer: Lambda-Physik GmbH and Co., West Germany. Intended use of article: See Notice on page 18564 in the *Federal Register* of March 25, 1981. Advice submitted by: National Bureau of Standards: May 27, 1981. Application received by Commissioner of Customs: November 7, 1980.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States either at the time the articles were ordered or at the time the U.S. Customs Service received the application. Reasons: Each foreign article provides an average power above five watts using the appropriate laser medium. The National Bureau of Standards (NBS) advises in its respectively cited memoranda that the capabilities cited above are pertinent to the purposes for which each of the foreign articles is intended to be used. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time the applications were received by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc 81-21055 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-25-M

Department of Interior and Arizona State University; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m., in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 81-00082. Applicant: U.S. Department of Interior, Bureau of Mines, 4900 LaSalle, Avondale, MD 20782. Article: Accessories for Model H-600-3 Electron Microscope. Manufacturer: Nissie Sangyo America, Ltd., Japan. Intended use of article: See Notice on page 18570 in the *Federal Register* of March 25, 1981. Advice submitted by: Department of Health and Human Services and the National Bureau of Standards: May 6, 1981 and June 16, 1981 respectively.

Docket No.: 81-00095. Applicant: Arizona State University, Tempe, AZ 85281. Article: Electron Microscope Gonimeter Stage. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18571 in the *Federal Register* of March 25, 1981. Advice submitted by: Department of Health and Human Services and the National Bureau of Standards: May 6, 1981 and June 4, 1981 respectively.

Docket No.: 81-00097. Applicant: Arizona State University, Tempe, AZ 85281. Article: Electron Microscope Specimen Holder, BLG No. 1. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 18571 in the *Federal Register* of March 25, 1981. Advice submitted: Department of Health and Human Services and the National Bureau of

Standards: May 6, 1981 and June 18, 1981 respectively.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health and Human Services and the National Bureau of Standards in their respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that they know of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instrument with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-21056 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-25-M

National Aeronautics and Space Administration et. al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the *Federal Register*.

Regulations (15 CFR 301.9) issued under the cited Act prescribed the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 81-00241. Applicant: National Aeronautics and Space Administration (NASA Resident Office, Jet Propulsion Laboratory), 4800 Oak Grove Drive, Pasadena, California 91109. Article: Solar Stirling Engine, Replacement Parts and Special Tooling. Manufacturer: KB United Stirling AB & Co., Sweden. Intended use of article: The foreign article is to be used in research investigating methods of harnessing and converting the sun's radiation to electricity. Application received by Commissioner of Customs: May 14, 1981.

Docket No.: 81-00245. Applicant: Northwestern University, Department of Chemistry, Evanston, Illinois 60201. Article: Excimer Laser, Model EMG 101. Manufacturer: Lambda-Physik, West Germany. Intended use of article: The article is intended to be used to provide a high energy source of light at numerous wavelengths in the ultraviolet. In particular it will be used to produce large quantities of molecular fragments which will be studied by emission spectroscopy, laser induced fluorescence and double resonance techniques. In this area, the following will be studied: (1) the dissociation of CH_3CHF to produce HF and C_2H_2 and study of the rotational energy content of HF, (2) the dissociation of NOCl and NOBr, (3) OH radicals produced in the multiphoton infrared dissociation of a number of acids, in particular formic acid, desorption of molecules, specifically CO from a number of metal surfaces. Application received by Commissioner of Customs: May 14, 1981.

Docket No.: 81-00246. Applicant: University of Louisville, c/o University Counsel, Louisville, Kentucky 40292. Article: Therac 20/Saturne Linear Accelerator. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for radiation therapy of malignancy in human patients, and for various radiobiological experiments in non-human species. In addition, the article will be used to train the residents in radiation therapy. Application received by Commissioner of Customs: May 14, 1981.

Docket No.: 81-00247. Applicant: The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44106.

Article: Therac 20/Saturne Linear Accelerator with Accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used in the investigation of dynamic radiation therapy which involves computer control of a photon machine such that rotation couch movement, field size adjustment, and source-skin distance all may be varied during treatment yielding a radiation dose which more uniformly conforms to the tumor volume. Research is also planned in radiation physics, in particular, design of an external magnetic analysis system to shape the area irradiated by the electron beam. This external magnetic analysis system would be computer interfaced to the scanned electron beam. In addition, the article will be used for educational purposes in the training of residents. Application received by Commissioner of Customs: May 20, 1981.

Docket No.: 81-00248. Applicant: Marine Biological Laboratory, Water Street, Woods Hole, MA 02543. Article: Electron Microscope, Model EM 10CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in conducting studies on ciliary development, structure and function and studies on cell motility, microtubules, membranes, and mechanosensory transduction. The article will also be used for educational purposes in marine biological laboratory courses. Application received by Commissioner of Customs: May 20, 1981.

Docket No.: 81-00250. Applicant: Villanova University, Villanova, PA 19085. Article: Digital Oxygen Electrode System. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: The article is intended to be used to measure the uptake or production of oxygen by cell suspensions, subcellular particles or enzyme systems. The techniques involved are those employed to make the synthetic prophyrin, distillation, evaporation—through vacuum pump, then dissolving compound into solvent, 0.01M $\text{Na}_2\text{S}_2\text{O}_8$ and bubbled with oxygen. Application received by Commissioner of Customs: May 22, 1981.

Docket No.: 81-00251. Applicant: Michigan Technological University, Department of Metallurgical Engineering, Houghton, MI 49931. Article: Axiomat Optical Microscope with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used for studies of metals, alloys and

ceramics. These studies will include investigations of the following:

- (1) Interphase Boundary-Initiated Fracture.
- (2) Microstructural Development and Evolution During Liquid Phase Sintering.
- (3) Interphase Boundary Initiated Fracture.
- (4) Structure-property Relationships in Powder Fabricated Metals.
- (5) Cyclic Oxidation Resistance of Ni-Cr-Al alloys.
- (6) Deformation and Fracture of Titanium Alloys.
- (7) The effect of Mo and V on the Kinetics of Secondary Graphitization in Ductile Irons.

Application received by Commissioner of Customs: May 22, 1981.

Docket No.: 81-00252. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Article: Scanning Electron Microscope, Model S250-TP with Accessories. Manufacturer: Cambridge Instruments, Ltd., United Kingdom. Intended use of article: the article is intended to be used as a material measurement system as part of research and development of laser fusion targets needed to meet ignition goals on the Nova laser. Target materials must meet 100 angstrom surface finishes and must meet stringent classified requirements on composition, structure and dimensions. Application received by Commissioner of Customs: May 22, 1981.

Docket No.: 81-00253. Applicant: Massachusetts Institute of Technology, RM: E18-360, Cambridge, MA 02139. Article: Dye Laser, Model FL-2002. Manufacturer: Lambda Physics, Inc., France. Intended use of article: The article is intended to be used to provide light of the appropriate energy to excite gas phase molecules into the desired energy level during gas phase chemical reaction studies. The article will also be used in teaching graduate students the fundamentals of Laser Techniques in Physical Chemistry and Molecular Spectroscopy. Application received by Commissioner of Customs: May 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-21060 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-25-M

Solar Energy Research Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and

Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 81-00030. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: Impedance Bridge. Manufacturer: Hewlett Packard, Japan. Intended use of article: See Notice on page 11695 in the Federal Register of February 10, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a broad range of measurement frequencies (10 to 10,000 kilohertz) in eleven increments. The National Bureau of Standards advises in its memorandum dated June 3, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-21059 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-25-M

Solar Energy Research Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review

between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 81-00057. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: X-Ray Fluorescence Spectrometer. Manufacturer: Rigaku, Japan. Intended use of article: See Notice on page 18564 in the Federal Register of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has peak count rates of 11,000 counts per second (cps) on the fluorine peak in lithium fluoride and 35,000 cps on the sodium peak in sodium chloride. The National Bureau of Standards advises in its memorandum dated June 9, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-21058 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning October 1, 1981 within the geographic confines of the Detroit Standard Metropolitan Statistical Area (SMSA) which includes the counties of Wayne, Macomb and

Oakland. The project will operate at a cost not to exceed \$387,000 and the Project I.D. Number is 05-60-01557-00.

PROGRAM DESCRIPTION: The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not for profit" or commercial entities). These firms must be capable of providing such services as:

- Preparation of business plans.
- Financial packaging
- Industrial management assistance
- Personnel management services
- Marketing planning

And a broad range of other business services excluding legal services.

ELIGIBILITY REQUIREMENTS: Any for-profit firm or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

APPLICATION MATERIALS: An application kit for these projects may be requested in writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 East Monroe Street, Suite 1440, Chicago, IL 60603, Attn: La Venia Webb, Grant Technician, Tel. (312) 353-0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite forwarding of your application kit. When requesting an application kit the applicant must specify its profit status; i.e., State or Local government, federally recognized Indian tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

AWARD PROCESS: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

CLOSING DATE: Applicants are encouraged to obtain an application kit as soon as possible in order to allow

sufficient time to prepare and submit an application before the closing date of August 10, 1981. Applications received after August 10, 1981 will not be considered.

(11,800 Minority Business Development Catalog of Federal Domestic Assistance. This program is not subject to the requirements of OMB Circular A-95)

Dated: July 13, 1981.

Stanley W. Tate,
Regional Director.

[FR Doc. 81-21042 Filed 7-17-81; 8:45 am]

BILLING CODE 1350-53-M

National Bureau of Standards

Changes Pertaining to the Interface Standards Exclusion List

In a notice published in the *Federal Register* on March 6, 1981 (46 FR 15528), the National Bureau of Standards (NBS) announced proposed changes to the exclusion list pertaining to Federal Information Processing Standards Publication 60-1, I/O Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems; and Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems. Interested parties were allowed until April 20, 1981, to submit written comments regarding the proposed changes to the exclusion list.

As a result of a review and analysis of comments received, NBS has made a determination that the following additions will be made to the exclusion list:

Manufacturer	Model
ComputerVision	10100 System
ComputerVision	10500 System
CPT Corp.	8000 WP System
CPT Corp.	8000 WP System
Digital Equipment Corp.	VAX-11/750
Harris	H-80
Harris	H-100
Harris	H-300
Harris	H-500
Harris	H-900
Hewlett-Packard	9825 B/T Desktop Computer
Hewlett-Packard	9815A Modular Computer
Honeywell	DPS 6 Series

Interested parties are invited to submit written comments or recommendations regarding the exclusion list to the Director, Institute for Computer Sciences and Technology, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Comments specifically identifying

candidate systems which should be added or removed from the exclusion list are especially encouraged. Comments should also include information supporting any proposed additions (or removals) to that list according to the criteria described in the *Federal Register* notice of March 19, 1979 (44 FR 16466), which announced the availability of a proposed initial exclusion list. Any comments submitted which are deemed by the sender to contain confidential or proprietary information should be appropriately designated and marked.

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the proposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments or recommendations regarding the exclusion list.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: July 14, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-21045 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-13-M

National Bureau of Standards' Visiting Committee; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet on Monday, August 10, 1981, from 8:30 a.m. to 5:00 p.m., and Tuesday, August 11, 1981, from 8:30 a.m. to 12:30 p.m. in Lecture Room B, Administration Building, National Bureau of Standards, Gaithersburg, Maryland, and from 2:00 p.m. to 3:00 p.m. in Room 5859, Department of Commerce, Washington, D.C.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the

Committee in reporting to the Secretary of Commerce as required by law.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting. Any person wishing to attend the meeting should inform Ms. Kay Byerly, Office of the Director, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921-3413.

Dated: July 14, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-21046 Filed 7-17-81; 8:45 am]

BILLING CODE 3510-13-M

Proposed Revision to Federal Information Processing Standard 61, Channel Level Power Control Interface

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 USC 759(f)) and Executive Order 11717 (38 FR 12315) dated May 11, 1973, the Secretary of Commerce is authorized to establish uniform automatic data processing (ADP) standards. On February 16, 1979, notice was given in the *Federal Register* (44 FR 10098-10101) announcing that the Secretary of Commerce had approved three input/output (I/O) Federal Information Processing Standards (FIPS): (1) I/O Channel Interface, (2) Channel Level Power Control Interface, and (3) Operational Specifications for Magnetic Tape Subsystems, designated Federal Information Processing Standards Publication (FIPS PUB) 60 (which has been redesignated 60-1), FIPS PUB 61, and FIPS PUB 62, respectively. On August 27, 1979, notice was given in the *Federal Register* (44 FR 50078-50079) announcing that the Secretary had approved a fourth I/O channel level interface standard, Operational Specifications for Rotating Mass Storage Subsystems, designated FIPS PUB 63.

These standards were the subject of corrections and revisions announced in the *Federal Register* on August 27, 1979 (44 FR 50079-50080), August 31, 1979 (44 FR 51294), and December 3, 1979 (44 FR 69317).

FIPS 61 defines the specifications for a power control interface of a computer system. This interface provides a sequencing system to minimize power surge loading and to centralize control of system power and emergency disconnecting of power from the system console.

This announcement proposes that the Emergency Power Off (EPO) capability as specified in FIPS 61 be made optional.

The 1978 National Electrical Code Article 645 specified that in addition to any integral individual disconnect switches for components of the data processing system, a disconnecting means shall be provided to disconnect all electrical equipment except lighting and shall be controlled from locations readily accessible to the operator and at designated exit doors from the data processing room. This code accomplishes the same function as EPO. User implementation of this code would make EPO redundant. Therefore Federal ADP installations which conform to this National Electric Code need not implement the EPO function in the power control interface.

Interested parties may obtain copies of this proposed FIPS 61 revision from and submit their written comments to: Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, Attention: Proposed FIPS 61 Revision. Comments to be considered must be received on or before October 19, 1981.

Persons desiring further information about this proposed revision to FIPS 61 may contact Mr. Michael Wong, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, telephone: 301/921-3427.

Dated: July 14, 1981.

Ernest Ambler,
Director.

[FR Doc. 81-21047 Filed 7-17-81; 8:45 am]
BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Single Audit Concept for Grantee Organizations

AGENCY: National Oceanic and Atmospheric Administration/Department of Commerce.

ACTION: Implementation of single audit concept required by OMB Circular A-102.

SUMMARY: Grant recipients that are State and local governments and Indian tribal governments shall comply with the requirements concerning non-Federal audits in OMB Circular A-102, Attachment P, including any amendments to those requirements published in the Federal Register by OMB.

Grant recipients that are not governments shall comply with the requirements concerning non-Federal audits in OMB Circular A-110, including

any amendments to those requirements published in the Federal Register by OMB.

FOR FURTHER INFORMATION CONTACT: Suzanne J. Servis, Grants Office, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, MD 20852, (301) 443-8574.

Dated: July 9, 1981.

Francis J. Balint,
Acting Director, Office of Information and Management Services.

[FR Doc. 81-21007 Filed 7-17-81; 8:45 am]
BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to GAF Corporation (GAF) of 140 West 51st Street, New York, N.Y., a limited exclusive right in the United States to manufacture, use and sell products and processes embodied in the invention "Plant Growth Promoting Brassinosteroids and Methods of Use." The invention is protected by U.S. Patent Application Nos. 182,209 and 182,210 (both dated August 28, 1980). Copies of the applications may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy. The patent rights in this invention has been assigned to the United States of America, as represented by the Secretary of Agriculture. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the Federal Register [46 FR 18755, March 26, 1981] and in other publications. To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under these patent applications. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of first commercial sale. The terms and conditions of the license will comply with 35 U.S.C. 209 (Pub. L. 96-517).

The proposed license may be granted unless, on or before September 20, 1981, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written

evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: July 10, 1981.

Douglas J. Campion,
Liaison Officer.

[FR Doc. 81-21003 Filed 7-17-81; 8:45 am]
BILLING CODE 3510-04-M

Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Block Drug Company, Inc. a limited exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Toluidine Blue Rinse for Detection of Squamous Carcinoma." The invention is protected by U.S. Patent Application No. 105,079 (dated December 19, 1979). Copies of the application may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention will be transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the Federal Register [46 FR 18755, March 26, 1981] and in *Government Inventions for Licensing* (March 17, 1981). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent application. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of first commercial sale. The terms and conditions of the license will comply with 35 U.S.C. 209 (Pub. L. 96-517) and 41 CFR 101-4.1.

The proposed license may be granted unless, within sixty days from the date of publication of this Notice, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the

invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: July 9, 1981.

Douglas J. Campion,
Liaison Officer.

[FR Doc. 81-21102 Filed 7-17-81; 8:45 am]

BILLING CODE 4350-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary of the Air Force

Determinations of Active Military Service and Discharge; Civilian or Contractual Personnel

In accordance with Pub. L. 95-202, Section 401 (The G.I. Bill Improvement Act of 1977) and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, determined on July 6, 1981, that the service of the members of the group known as the Reconstruction Aides and Dietitians in World War I, be considered active military service in the Armed Forces of the United States for all laws administered by the Veterans' Administration.

In addition, the Secretary also determined on July 6, 1981, that the service of the members of the following groups not be considered active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans' Administration: Women's Air Raid Defense (WARD); and Women Aircraft Mechanics (WAM).

For further information contact: Technical Sergeant Stephen J. Koegle, USAF, telephone: 694-5380, Office of the Secretary of the Air Force Personnel

Council (SAF/MIPC), The Pentagon, Washington, D.C. 20330.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-21043 Filed 7-17-81; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Privacy Act of 1974; New System of Records

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of new system of records.

SUMMARY: The Office of the Secretary of Defense publishes a notice of a new system of records and the amendment of another notice for system of records subject to the Privacy Act of 1974. The system notices are set forth below.

DATES: This system shall be effective on August 19, 1981 unless public comments are received which result in a contrary determination.

ADDRESSES: Send any comments to the System Managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT:

Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the Federal Register.

FR Doc. 81-897 (46 FR 6427) January 21, 1981

FR Doc. 81-5568 (46 FR 12772) February 16, 1981

FR Doc. 81-6246 (46 FR 14031) February 25, 1981

FR Doc. 81-6491 (46 FR 14154) February 26, 1981

FR Doc. 81-7597 (46 FR 16114) March 11, 1981

FR Doc. 81-8041 (46 FR 16926) March 16, 1981

FR Doc. 81-8127 (46 FR 17074) March 17, 1981

FR Doc. 81-8281 (46 FR 17243) March 18, 1981

FR Doc. 81-8282 (46 FR 17243) March 18, 1981

FR Doc. 81-10201 (46 FR 20280) April 3, 1981

FR Doc. 81-11473 (46 FR 22257) April 16, 1981

FR Doc. 81-11765 (46 FR 22632) April 20, 1981

FR Doc. 81-12892 (46 FR 23967) April 29, 1981

FR Doc. 81-13225 (46 FR 24620) May 1, 1981

FR Doc. 81-14226 (46 FR 26365) May 12, 1981

FR Doc. 81-14406 (46 FR 26676) May 14, 1981

FR Doc. 81-14909 (46 FR 27373) May 19, 1981

FR Doc. 81-14975 (46 FR 27373) May 19, 1981

FR Doc. 81-15770 (46 FR 28470) May 27, 1981

Then actions fall within the purview of the provisions of 5 U.S.C. 552(a) of the Act which requires the submission

of new or alter system reports. These reports were submitted on June 16, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer,
Washington, Headquarters Services,
Department of Defense.

July 15, 1981.

AMENDMENTS

DWHS P28

System Name:

The Office of the Secretary of Defense Clearance File (46 FR 6427, January 21, 1981).

Changes:

Authority for Maintenance of the System:

Delete the entry under above heading, and insert:

"In order to implement Executive Order 12065 and Executive Order 10450 within the Department of Defense, the Secretary of Defense has issued under the provisions of Title 5, United States Code, Section 301, Department of Defense Directive 5200.2 and Department of Defense Regulation 5200.2R. Department of Defense Regulation 5200.2R sets out the record keeping requirements needed to support the Departmental Personnel Security Program."

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purpose of Such Uses:

Delete the entry under the above heading and insert:

"Internal Users, Uses, and Purposes:

Security Division, Directorate for Personnel and Security, Washington Headquarters Services, to grant and maintain security clearances or access.

External Users, Uses, and Purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices."

Storage:

Delete the entry under the above heading, and insert:

"Hard copy files are maintained in a secured area, and computer files are stored on magnetic tape and disk."

Safeguards:

Delete the entry under the above heading, and insert:

"Files are maintained in vaulted alarmed areas under direct control of DoD Personnel in the security office during duty hours. Office is locked and guarded during non-duty hours."

Computer media residents are stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed."

Systems Exempted from Certain Provisions of the Act:

Delete the entry under the above heading and insert:

"Portions of this system may be exempt from certain portions of the Privacy Act under the provisions of 5 U.S.C. 552a(k)(5). See the Office of the Secretary of Defense rules as set forth at 32 CFR part 286a (OSD Administrative Instruction 81)."

DWHS P28

System Name:

The Office of the Secretary of Defense Clearance File.

System Location:

Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Security Division, Room 3B-278, Pentagon, Washington, D.C. 20301

Categories of Individuals Covered by the System:

Military and civilian employees of the Office of the Secretary of Defense, its components and support organizations including the United States Court of Military Appeals and the United States Mission to NATO; experts and consultants serving with or without compensation; staff members of congressional committees requiring access to classified information or material; employees of other agencies detailed to the Office of the Secretary of Defense, very important people selected to attend orientation conferences, USO and Red Cross applicants for overseas posts.

Categories of Records in the System:

Background investigations, national agency checks, security clearance actions, security violations, and supporting documents, briefings and debriefings.

Authority for Maintenance of the System:

In order to implement the Executive Order 12065 and Executive Order 10450 within the Department of Defense, the Secretary of Defense has issued under the provisions of Title 5, United States Code, Section 301, Department of Defense Directive 5200.2 and Department of Defense Regulation 5200.2R. Department of Defense Regulation 5200.2R sets out the record keeping requirements needed to support

the Departmental Personnel Security Program.

Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses:

Internal Users, Uses, and Purposes:

Security Division, Directorate For Personnel and Security, Washington, Headquarters Services, to grant and maintain security clearances or access.

External Users, Uses, and Purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and Practices for Storing, Reviewing, Accessing, Retaining, and Disposing of Records in the System:

Storage:

Hard copy files are maintained in a secured area, and computer files are stored on magnetic tape and disk.

Retrievability:

Active clearance files maintained alphabetically by last name of subject. Inactive clearance files serially numbered and indexed alphabetically.

Safeguards:

Files are maintained under the direct control of DoD Personnel in the Security Office during duty hours. Office is locked and guarded during non-duty hours. Computer media residents are stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

Retention and Disposal:

Records are permanent. Retained in active files until separation or end of requirement for security clearance. Held in waiting file for 10 years.

System Manager(s) and Address:

Director for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B-347, Pentagon, Washington, D.C. 20301

Notification Procedure:

See Exemption.

Record Access Procedures:

See Exemption.

Contesting Record Procedures:

See Exemption.

Record Source Categories:

See Exemption.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt from certain portions of the Privacy Act under the provisions of 5 U.S.C. 552a(k)(5). The Office of the Secretary of Defense rules are set forth at 32 CFR Part 286a (OSD Administrative Instruction 81).

DWHS P39

System name:

Clerical Merit Promotion File.

System location:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

Any applicant for employment who applies for a clerical position.

Categories of records in the system:

File contains copies of SF-171's plus any attachments submitted by applicant, copies of supervisory appraisals, copies of Job Opportunity Announcement, original certificate of eligibles, rating sheet for all applicants, rating schedule or definition of "best qualified" and copies of nonselection and not certified letters.

Authority for maintenance of the system:

5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Internal users, uses, and purposes:

Personnel and Security Directorate—To provide a file containing information on persons who have expressed interest in being considered for clerical positions for organizations serviced. Armed Forces Information Service (AFIS), Court of Military Appeals (COMA), Defense Advanced Research Projects Agency (DARPA), Defense Security Assistance Agency (DSAA), Office of Dependents Education, Organization of the Joint Chiefs of Staff (OJCS), TriService Medical Information System (TRIMIS), and Washington Headquarters Services (WHS), are part of routine users.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders and on disks.

Retrievability:

Filed in folders by name, alphabetically.

Safeguards:

Building employs security guards. Records are maintained in file cabinet in areas accessible only to authorized personnel who are properly screened and trained. Computer access is in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

Retention and disposal:

Records are maintained for a two-year period or Office of Personnel Management (OPM) inspection, whichever occurs earlier. Then they are destroyed.

System manager (s) and address:

Director for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from: Directorate for Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301. Telephone: 202-697-3305.

Record access procedures:

Requests from individuals should be addressed to the above System Manager.

Contesting record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction No. 81.

Record source categories:

Application and related forms from the individual applying for position, supervisory appraisals from current or previous employers, forms completed by persons whose names are given as a reference, ratings and correspondence from Directorate for Personnel and Security, WHS, and supervisory officials.

Systems exempted from certain provisions of the act:

None.

(FR Doc. 81-21228 Filed 7-17-81; 8:45 am)
BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Depco, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Depco, Inc., 110 16th Street, Suite 1000, Denver, Colorado 80202. This Proposed Remedial Order charges Depco, Inc. with pricing violations in the amount of \$839,037.02, connected with the production and sale of domestic crude oil during the time period February 1, 1976, through September 30, 1980, in the States of New Mexico, California, North Dakota and South Dakota.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Kenneth E. Merica, District Manager of Enforcement, 1075 South Yukon Street, P.O. Box 26247, Belmar Branch, Lakewood, Colorado 80226, phone (303) 234-3195. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Lakewood, Colorado, on the 26th day of June 1981.

Kenneth E. Merica,

District Manager, Rocky Mountain District.

Concurrence by:

James A. Forrester,

Acting Regional Counsel.

(FR Doc. 81-21037 Filed 7-17-81; 8:45 am)
BILLING CODE 6450-01-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute

requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204 (e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective August 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Ave., N.W., Rm. 4121, Washington, D.C. 20461; (202) 633-9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM 97-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (Btu's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama	3.73
Arizona ¹	3.24
Arkansas ¹	3.52
California	3.20
Colorado ¹	3.22
Connecticut ¹	4.24
Delaware ¹	3.80
Florida	3.73
Georgia ¹	3.89
Idaho ¹	3.22
Illinois	3.08
Indiana ¹	3.63
Iowa ¹	3.78
Kansas	3.72
Kentucky ¹	3.63
Louisiana	3.51
Maine	4.17
Maryland ¹	3.80
Massachusetts ¹	4.24
Michigan ¹	3.63
Minnesota ¹	3.78
Mississippi ¹	3.89
Missouri	3.77
Montana	3.14
Nebraska ¹	3.78
Nevada ¹	3.24
New Hampshire ¹	4.24
New Jersey ¹	3.80
New Mexico ¹	3.52

State	Dollars per million Btu's
New York	3.74
North Carolina ¹	3.89
North Dakota	3.74
Ohio ¹	3.63
Oklahoma ¹	3.52
Oregon ¹	3.24
Pennsylvania ¹	3.80
Rhode Island ¹	4.24
South Carolina ¹	3.89
South Dakota ¹	3.78
Tennessee	3.86
Texas ¹	3.52
Utah ¹	3.22
Vermont ¹	4.24
Virginia ¹	3.89
Washington ¹	3.24
West Virginia ¹	3.63
Wisconsin	3.46
Wyoming	2.60

¹ Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during May 1981 was \$41.32 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of Btu's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective August 1, 1981 is \$9.26 per million Btu's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 81, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of March 1981, April 1981, and May 1981.² All reports of volume sold and price were

² Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective August 1981 (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, March 1981, April 1981, May 1981. Reported prices for sales in March 1981 were adjusted by the percent change in the nationwide volume-weighted average price from March 1981 to May 1981. Prices for April 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from April 1981 to May 1981. The volume-weighted 3-month average of the adjusted March 1981 and April 1981, and the reported May 1981 prices was then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up and down by the percent change in oil prices at the national level as discussed in Section III.B. (1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B. (2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was

compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million Btu's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in the *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending July 10, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of May 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B. (3).

C. Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut	New Hampshire
Maine	Rhode Island
Massachusetts	Vermont

Region B

Delaware	New York
Maryland	Pennsylvania
New Jersey	

Region C

Alabama	North Carolina
Florida	South Carolina
Georgia	Tennessee
Mississippi	Virginia

Region D

Illinois
Indiana
Kentucky
Michigan

Ohio
West Virginia
Wisconsin

Region E

Iowa
Kansas
Missouri
Minnesota

Nebraska
North Dakota
South Dakota

Region F

Arkansas
Louisiana
New Mexico

Oklahoma
Texas

Region G

Colorado
Idaho
Montana

Utah
Wyoming

Region H

Arizona
California
Nevada

Oregon
Washington

Issued in Washington, D.C. on July 16, 1981.

Jimmie L. Petersen,

Acting Administrator, Energy Information Administration.

[FR Doc. 81-21246 Filed 7-16-81; 3:42 pm]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP81-396-000]

Columbia Gas Transmission Corp.; Application

July 15, 1981

Take notice that on June 26, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-396-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to West Lake Arthur Distribution Company (West Lake), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell on a best-efforts basis up to 200,000 Mcf of natural gas per day to West Lake for a period which shall terminate after December 31, 1981, unless a later date is agreed upon which date shall not be later than one year from the date of first delivery or on the date upon which 20,000,000 Mcf of gas have been sold and delivered. Applicant states that West Lake would pay for the gas purchased hereunder at the higher of:

(1) Applicant's Zone 1 SR rate in effect at the time of West Lake's purchase; or

(2) the price determined and published by the Commission pursuant to Section 102 of the Natural Gas Policy Act of 1978 in effect at the time of West Lake's purchase.

Applicant further states that the above rates are subject to adjustment as appropriate to reflect the actual heat content of the gas at the time of delivery.

It is stated that the natural gas proposed for sale herein would become a part of West Lake's available supply for use in meeting its market requirements. Applicant proposes to deliver the gas sold to West Lake at point or points where the facilities of Columbia Gulf Transmission Company (Columbia Gulf) or other third party delivering or transporting gas sold hereunder for Applicant connect to the facilities of West Lake or its representative. It is stated that such points shall be at the following locations:

(a) To Trunkline Gas Company (Trunkline) for the account of West Lake at the Centerville, Louisiana, interconnection of Columbia Gulf and Trunkline in St. Mary Parish, Louisiana;

(b) To Trunkline for the account of West Lake at the Garden City, Louisiana, plant operated by Exxon Corporation in St. Mary Parish, Louisiana;

(c) To West Lake at the aforesaid Exxon Garden City plant;

(d) To West Lake at a mutually agreeable point in the Cote Blanche Island Field in St. Mary Parish, Louisiana;

(e) Any other point including a mutually agreeable exchange of gas involving a third party acceptable to Applicant and West Lake.

Applicant states that it would not be necessary for Applicant to construct any facilities to accomplish the deliveries of the gas proposed for sale herein.

Applicant asserts that the gas it proposes to sell to West Lake is in excess of its current market requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-21115 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RI80-10 and CI79-221]

Leben Oil Corp. and Arkansas Louisiana Gas Co.; Proposed Settlement

July 15, 1981.

Take notice that on July 8, 1981, Leben Oil Corporation (Leben), P.O. Box 35528, Tulsa, Oklahoma 74134, and Arkansas Louisiana Gas Company, (Arkla), Post Office Box 21734, Shreveport, Louisiana 71151, filed a Joint Motion for Approval of an Offer of Settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure. It is asserted that the Offer of Settlement would resolve all outstanding issues in these proceedings.

The Offer of Settlement states that these proceedings involve unilateral rate increase filings for natural gas sales by Leben to Arkla, Kansas-Nebraska Natural Gas Company, Inc. and Arkansas Oklahoma Gas Corporation. Leben seeks these rate increases on the basis that its gas sales contracts have been rejected, effective February 7, 1973, by a bankruptcy court pursuant to Chapter X of the Bankruptcy Act, 11 U.S.C. 516. *In the Matter of Tilco, Inc.*, No. 23662-B-2 (D. Kan. March 7, 1980) appeal pend. No. 80-1381 (10th Cir. appeal filed April 3, 1980). Arkla has

opposed the four proposed rate increases relating to sales by Leben to Arkla.

The Offer of Settlement submits new contracts executed by Leben and Arkla. These contracts support Leben's rate increases in regard to its sales to Arkla.

In the motion that accompanies the Offer of Settlement, it is requested that the Commission order that comments and reply comments on the Offer of Settlement be filed on July 28, 1981 and August 7, 1981, respectively.

Notice is hereby given that any person desiring to comment on the Offer of Settlement should on or before July 28, 1981, file such comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. Reply comments should be filed on or before August 7, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23136 Filed 7-17-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. RA80-49 and RA81-2-000]

Mardiros Torikian and Hergert Oil Co.; Dismissal of Requests for Confidential Treatment of Documents

Issued July 15, 1981.

In the above-captioned proceedings, which have been dismissed as moot, petitioners sought confidential treatment of certain documents which were included in the DOE administrative record. The Commission has determined that neither a grant nor a denial of such requests was necessary considering that the Commission relied upon none of the allegedly confidential material in its decision to dismiss the cases on grounds of mootness. The Commission will not retain the documents for which confidentiality was requested. The assertedly confidential documents included in the administrative records will be returned to DOE. Therefore, the requests for confidential treatment in the Commission's files are dismissed as moot.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23137 Filed 7-17-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP-79-161-004]

Midwestern Gas Transmission Co.; Petition To Amend

July 15, 1981.

Take notice that on June 23, 1981, Midwestern Gas Transmission Company (Petitioner), P.O. Box 2511,

Houston, Texas 77001, filed in Docket No. CP-79-161-004 a petition to amend further the order issued September 25, 1979, in the instant docket, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale of natural gas imported from Canada to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) and Natural Gas Pipeline Company of America (Natural) for an additional year through October 31, 1982, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued September 25, 1979, in Docket No. CP-79-161-004, Petitioner was authorized to sell to Tennessee, Northern and Natural up to 350,000 Mcf of gas per day from TransCanada PipeLines Limited (TransCanada) and Great Lakes Gas Transmission Company (Great Lakes) and up to a total quantity of 132,000,000 Mcf for a term until and including October 31, 1980.

Petitioner asserts that amendments to the order now authorize the importation of up to 114,000,000 Mcf of natural gas from Canada at daily volumes of up to 600,000 Mcf through October 31, 1981. Petitioner further asserts that an additional import entry point on the U.S.-Canadian boundary near Niagara Falls, New York, was also subsequently authorized.

Petitioner proposes herein to extend the term of resale of gas to Tennessee, Northern and Natural until and including October 31, 1982. Petitioner asserts that the requested amendment would not result in increased total volumes permitted under present authorization.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a

petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-23178 Filed 7-17-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. EC81-17-000]

Public Service Company of Indiana, Inc.; Filing

July 15, 1981.

Take notice that on July 1, 1981, Public Service Company of Indiana, Inc. (PSI), submitted an Application For Authority To Sell Certain Electric Facilities to Wabash Valley Power Association, Inc. (WVPA).

PSI's filing states that the electric facilities consist of (a) joint transmission line facilities, joint transmission substation facilities (facilities to be jointly used by PSI and WVPA), (b) joint distribution facilities consisting of lines, substations and metering equipment (facilities to be jointly used by PSI and WVPA) and (c) sole use facilities consisting of transmission, substation, distribution and metering facilities. The sale price is \$11,579,301. WVPA is a wholesale customer of PSI. WVPA has purchased from PSI a 17% undivided interest in the Marble Hill Nuclear Generating Station, now under construction in Jefferson County, Indiana. WVPA is organized as a public utility under the Indiana Not-For-Profit Corporation Act for the purpose of generating, transmitting, distributing and selling electric energy to its 24 member systems (REMC's). The general territory which WVPA proposes to serve is located in the Northern half of the State of Indiana.

The sale of WVPA of the electric facilities is proposed, as part of a larger transaction between PSI and WVPA providing for the joint ownership of the Marble Hill Nuclear Generating Station, to result in more reliability and lower costs of electric service to the customers of both PSI and WVPA, and to avoid duplication of facilities to serve such customers. PSI's filing states that upon completion of the transaction, PSI will cease delivering electric energy to 12 REMC members of WVPA. WVPA will deliver power to such member systems. PSI requests approval of its Application pursuant to Section 203 of the Federal Power Act.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections

1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-21119 Filed 7-17-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-426-000]

El Paso Electric Co.; Order Accepting for Filing and Suspending Revised Rates in Part, Rejecting in Part, Granting Motions for Summary Disposition in Part, Granting Interventions, and Establishing Price Squeeze and Hearing Procedures

Issued: June 30, 1981.

On April 24, 1981, El Paso Electric Company (EPEC) submitted for filing increased rates for firm power service to two wholesale customers, Rio Grande Electric Cooperative (Rio Grande) and Texas-New Mexico Power Company (TNP).¹ The proposed rates would result in an increase in revenues of approximately \$995,662 for the twelve-month period ending December 31, 1980. EPEC requests that the rates become effective on July 1, 1981.

In addition to the above rates, the company has included a separate request, pursuant to section 2.16 of the Commission's regulations, to include in rate base \$308,228,429 (on a total company basis) of construction work in progress (CWIP) relating to its 15.8% share of three 1200 MW nuclear units now under construction at the Palo Verde Nuclear Generating Station (Palo Verde). EPEC asserts that, due to a lack of sufficient cash flow to finance its participation in the Palo Verde project, it is in severe financial difficulty which cannot, except by inclusion of CWIP in rate base, be alleviated without materially increasing the cost of electricity to its customers. While EPEC has not submitted rates reflecting the inclusion of the Palo Verde CWIP in rate base, EPEC has requested permission to place CWIP rates in effect prospectively after a final Commission order concerning the CWIP application and,

thereafter, to collect the CWIP-based rates subject to refund pending resolution of the underlying cost of service case. EPEC also requests that a Commission decision on its CWIP application be expedited and that an initial decision be waived on that issue.

In proceedings on an earlier request by EPEC to include Palo Verde CWIP in rate base, the Commission denied EPEC's application.² In order to expedite consideration of its instant CWIP application, the company requests that the relevant evidentiary record from the earlier proceedings be incorporated by reference.

Notice of EPEC's filing was issued on May 6, 1981, with protests or petitions to intervene due on or before May 25, 1981. On May 15, 1981, TNP filed a petition to intervene. TNP does not raise any substantive issues or request suspension of EPEC's filing, but states that it has an important interest in the outcome of the proceeding.

On May 26, 1981, Rio Grande filed a protest, petition to intervene, motion to reject, motion for maximum suspension, motion to initiate price squeeze procedures, and answer to various procedural motions made by El Paso. Rio Grande states that it purchases all of the electricity for its members served in the Del City and Van Horn areas of Texas from EPEC. Rio Grande objects to EPEC's treatment of various cost of service items, including the amount of regulatory expense allocated to EPEC's wholesale customers, the exclusion of the revenues and costs associated with EPEC's off-system sales to the City of Juarez, Mexico, the claimed rate of return, the use of a 45-day cash working capital calculation, and a proposed increase in depreciation rates. In addition, Rio Grande has requested that the Commission summarily reject (1) EPEC's treatment of unamortized investment tax credits (ADITC) as a separate component of the capital structure, and (2) EPEC's method of allocating regulatory expenses among its wholesale customers. With regard to the company's claimed regulatory expenses, Rio Grande also requests that the Commission verify the status of an audit being conducted by the Commission staff with respect to EPEC.³

With respect to EPEC's CWIP application, Rio Grande contends that the company has failed to put forth the

requisite showing of severe financial difficulty and requests that the application be rejected. In support of its position, Rio Grande states that EPEC's Annual Report to its stockholders cites various factors relating to EPEC's financial condition that contradict the company's claim of severe financial difficulty, including an increase, from 1979 to 1980, in net income as well as dividends per share of common stock. The Annual Report further states that a previously announced moratorium on retail rate increases has been extended from April, 1982, to October, 1982, in view of EPEC's off-system sales to Juarez.

Rio Grande also cites the results of a May 1, 1981 investment survey by Value Line which notes that: 1) EPEC's common stock dividends for the first quarter of 1981 were equivalent to an annual yield of 13.4%, above average for utility stocks; 2) EPEC can be expected to earn about 16% on common equity during 1981; 3) off-system sales to Juarez and others indicate continued high profits for 1981 and 1982; and 4) EPEC's profitability keeps its financing needs moderate.

In the event that summary disposition is not granted, Rio Grande requests denial of EPEC's requests for an expedited CWIP hearing, incorporation of the evidentiary record from the previous proceeding, and waiver of an initial decision. Rio Grande also alleges that a price squeeze may result from adoption of EPEC's filing, both with and without inclusion of CWIP in rate base.

Discussion

The Commission finds that participation in this proceeding by TNP and Rio Grande is in the public interest. Accordingly, the petitions to intervene will be granted.

As noted previously, EPEC has included ADITC as a separate component of its capital structure at the claimed overall rate of return. This treatment is in contravention of well-established Commission policy.⁴ For capitalization purposes, the Commission has expressly limited utilities to one of two options: 1) proportionate distribution of the ADITC balance throughout the capital structure; or 2) total elimination of ADITC from the capital structure.⁵ EPEC's treatment is not consistent with either of these

² Opinion Nos. 85 and 85-A, Docket Nos. ER77-488 and ER78-520, issued May 19, 1980, and July 17, 1980, respectively.

³ In response to this request, we note that the staff audit referred to by Rio Grande is not yet completed. As a result, comments on the audit and its effect, if any, on this proceeding would be premature.

⁴ E.g., *Public Service Company of New Mexico*, Docket Nos. ER79-476 and ER79-479, order issued December 18, 1979; see also *El Paso Electric Co.*, Docket No. ER79-526, order issued September 24, 1979.

⁵ See Opinion No. 19, *Carolina Power and Light Co.*, issued August 2, 1978, mimeo at 10.

¹ Formerly Community Public Service Company. See Attachment A for rate schedule designations.

alternatives. Therefore, we shall summarily dispose of this matter. However, it appears that the dollar effect of this adjustment will be relatively small in the instant proceeding, so we shall not require EPEC to refile its capitalization and rates at this time.

In light of the price squeeze allegations raised by Rio Grande, we shall institute price squeeze procedures and phase those procedures in accordance with Commission policy established in *Arkansas Power and Light Company*, Docket No. ER79-339, order issued August 6, 1979.

In support of its claim of severe financial difficulty, EPEC has submitted testimony and exhibits purporting to show its declining financial condition. The exhibits include historic data for the years 1975 to 1980, showing various coverage ratios, and indicating that during those years CWIP as a percentage of plant in service increased from 6.7% to 122.4%, and internally generated cash as a percentage of construction decreased from 47.61% to 11.36%.

EPEC has also provided forecasts of its financial condition through 1984, treating the company as though it were 100% within this Commission's jurisdiction, assuming no further conventional rate relief, and incorporating data both including and excluding CWIP. Based on these hypothetical forecasts, EPEC indicates that despite a need for about \$186 million of new capital to finance its 1981 construction program, without CWIP in rate base, its 1981 indenture coverage ratio will be 1.3 times (below the minimum 2.0 times required for EPEC to issue new debt) and there will be no internally generated cash. The hypothetical forecast also shows that with the requested amount of CWIP in rate base, EPEC's coverage ratios will substantially improve through 1984, and internally generated cash as a percentage of construction will increase to 27.45% in 1983, and 52.6% in 1984.

Under the Commission's present standards, a utility requesting the inclusion of CWIP in rate base⁶ must show clearly and convincingly that it is experiencing severe financial difficulty which cannot be alleviated by traditional forms of rate relief without materially increasing the cost of electricity to consumers.⁷ The Commission believes, however, that the time has come to reexamine these standards. Based upon this belief, the

Commission intends to promptly issue a notice of proposed rulemaking in order to properly reevaluate this issue. In order to maintain the *status quo ante* pending further Commission action and to avoid any prejudice to the parties, we shall set for hearing the issue of EPEC's CWIP application and phase that issue to follow the rulemakings proceeding. Such phasing will allow EPEC to go forward on its CWIP application under such standards as will be developed through public notice and comments on the proposed rulemaking. As a result, the Commission will deny EPEC's request for an expedited decision on its CWIP application, as well as its request for waiver of an initial decision on that issue. The Commission also will deny EPEC's request for incorporation by reference of the evidentiary record from the previous proceeding. This latter denial, however, is without prejudice to renewal of EPEC's request before the presiding law judge during the CWIP phase of the hearing. With respect to the other issues raised by Rio Grande, the Commission finds that these are matters to be considered and resolved in the initial phase of this proceeding.

Our analysis of the filing indicates that the non-CWIP rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept the rates for filing and suspend them as directed below.

In a number of suspension orders,⁸ we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. The financial circumstances cited by EPEC are appropriate considerations in the rate of return determination and have been evaluated by the Commission. However, we find that no circumstances have been presented to warrant a shortened suspension period. Accordingly, we shall suspend EPEC's rates for five months from sixty days after filing to become effective, subject to refund, on December 1, 1981.

The Commission orders:

(A) Rio Grande's motion to reject

EPEC's application for authorization to include Palo Verde CWIP in rate base is hereby denied.

(B) EPEC's rates are hereby accepted for filing and suspended for five months from 60 days after filing to become effective, subject to refund, on December 1, 1981.

(C) Rio Grande's motion for summary disposition with respect to EPEC's method of allocating regulatory expenses is hereby denied.

(D) Rio Grande's motion for summary disposition with respect to EPEC's inclusion of ADITC in its capital structure is hereby granted.

(E) EPEC's procedural motions related to its CWIP application are hereby denied as noted in the body of this order.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of EPEC's rates.

(G) The petitioners are hereby permitted to intervene in this proceeding subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however*, that participation by such intervenors shall be limited to the matters set forth in the petitions to intervene; and *provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered by the Commission in this proceeding.

(H) We hereby order initiation of price squeeze procedures and further order that the proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) EPEC's application for authorization to include Palo Verde CWIP in rate base is hereby phased so

⁶ Other than CWIP associated with pollution control and fuel conversion facilities.

⁷ 18 CFR § 2.16(b)(3).

that the application will be heard subsequent to action on the Commission's anticipated rulemaking concerning construction work in progress.

(J) The Commission staff shall serve top sheets in this proceeding on or before July 1, 1981.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(L) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.
Kenneth F. Plumb,
Secretary.

El Paso Electric Company

Docket No. ER81-426-000

Filed: April 24, 1981.

Dated: Undated.

Designation and Other Party

- (1) Supplement No. 9 to Rate Schedule FPC No. 17 (Supersedes Supplement No. 8)—Texas-New Mexico Power Company
- (2) Supplement No. 8 to Rate Schedule FPC No. 18 (Supersedes Supplement No. 7)—Rio Grande Electric Cooperative (Dell City Delivery Point)
- (3) Supplement No. 8 to Rate Schedule FPC No. 19 (Supersedes Supplement No. 7)—Rio Grande Electric Cooperative (Van Horn Delivery Point)

[FR Doc. 81-21120 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-457-000 and EL81-13-000]

Louisiana Power & Light Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motion To Reject, Denying Waiver of Notice, Requiring Refunds, Consolidating Dockets, and Establishing Price Squeeze and Hearing Procedures

Issued: July 10, 1981.

On April 10, 1981, the City of Winnfield, Louisiana (Winnfield) filed a complaint, protest, petition to intervene, and request for injunctive relief from an anticipated change in service by its full

requirements supplier, Louisiana Power and Light Company (LP&L). In its complaint, Winnfield stated that it had been a full requirements wholesale customer of LP&L's for over 30 years, that its current contract was due to expire on May 14, 1981, and that it had been unable to negotiate a superseding contract with LP&L. Winnfield further expressed concern that LP&L might either interrupt service after May 14, 1981, or begin charging Winnfield at an incremental rate under LP&L's standard interchange contract. Winnfield indicated that, as of that date, LP&L's contract proposals included service at incremental cost only. Such service, Winnfield asserted, is unsuited to its needs since it has no source of base load power.

Winnfield also maintained that service by LP&L under its standard interchange agreement would be unjust and unreasonable. The city requested that any such LP&L submittal be suspended for five months and set for investigation, stating that service at incremental cost, absent a suitable source of base load power, would force the city out of the electric power business. Additionally, Winnfield requested that the Commission initiate an investigation into LP&L's actions to determine whether its dealings with the city are part of an overall plan by LP&L to take over the operation of the few remaining Louisiana municipal electric systems which compete with LP&L. Winnfield noted that LP&L has already taken over the operation of four municipal systems in the last five years—Monroe, Thibodeaux, Homer, and Lake Providence, Louisiana.

Notice of the complaint was issued on April 14, 1981, with responses due on or before April 29, 1981. LP&L filed an answer on April 28, 1981, in which the company stated that it would continue electrical service to Winnfield beyond the expiration date of their contract at the Commission-approved rate for full requirements service.¹ In addition, LP&L acknowledged its obligation to file a notice of cancellation or a superseding agreement, as appropriate, to reflect any proposed change in service to Winnfield. Accordingly, LP&L asserted that the complaint was premature, constituted no basis for initiating a proceeding and, therefore, should be dismissed.

Two weeks after its response to Winnfield's complaint, on May 12, 1981, LP&L submitted in Docket No. ER81-

457-000, an unexecuted copy of its standard interchange agreement proposing to serve any or all of Winnfield's needs at incremental cost.² LP&L requested waiver of the notice requirements so that the proposed rate schedule could become effective as of May 15, 1981.

Notice of the submittal in Docket No. ER81-457-000 was issued on May 18, 1981, with responses due on or before June 8, 1981. On June 8, 1981, Winnfield petitioned to intervene and reiterated the issues raised in its complaint. Based upon its belief that a rate reflecting incremental costs is inappropriate for supplying full requirements service, Winnfield requested that the company's submittal be rejected or that, alternatively, it be suspended for the maximum statutory period and investigated on a consolidated basis with the earlier complaint. Winnfield objected to LP&L's request for waiver of notice and requested the initiation of price squeeze proceedings.

On June 22, 1981, LP&L responded to Winnfield's protest and petition to intervene. According to the response, Winnfield has mischaracterized its service as full requirements since it is limited to 10 MW of demand. LP&L also alleged that, contrary to Winnfield's assertion, the city has its own operable generating capability. The company expressed its position that interchange service is appropriate as a supplement to Winnfield's own generation and alternate sources of power. In addition, LP&L asserted that its other customer are, in reality, subsidizing Winnfield's artificially low rates since the present service has been in effect since 1964. LP&L further contested Winnfield's price squeeze allegation on the basis of asserted alternate power supplies available to Winnfield.

On June 23, 1981, Winnfield amended its complaint to allege that LP&L is presently attempting to collect charges from the city based upon the unexecuted interchange agreement. Winnfield avers that such charges are predicated upon a rate which has yet to be accepted for filing in contravention of the Federal

² See Attachment A for rate schedule designations. The services include: emergency service, economy energy, firm and interruptible transmission service, surplus service (analogous to short-term power), reserve power, and supplemental service (analogous to limited-term power). Under the respective service schedules, the energy component is priced on an incremental basis. By order issued August 7, 1980, in Docket Nos. ER79-31, *et al.*, agreements identical to that proposed in the instant docket were suspended for five months and set for hearing. On May 27, 1981, a settlement agreement was certified to the Commission in these dockets.

¹ In compliance with the notice requirement of its present agreement, LP&L had notified Winnfield by letter dated April 18, 1980, of its intention to terminate the agreement on May 14, 1981.

Power Act. Winnfield (1) seeks a Commission declaration that such charge is in violation of section 205(d) of the Act, (2) requests the Commission to seek an injunction against further violation, and (3) requests expedited consideration of this matter.

In its response filed July 6, 1981, LP&L admits to billing Winnfield based upon the proposed interchange rate schedule. The company claims that due to the pendency of its rate increase filed in Docket No. ER77-533² there is no other lawful rate upon which to bill the city and that it has billed Winnfield under the proposed rate in anticipation of being granted its request for waiver of the Commission's notice requirement.

Discussion

The Commission finds that participation in this proceeding by the City of Winnfield is in the public interest. Accordingly, the petition to intervene in Docket No. ER81-457-000 will be granted.

Winnfield has stated that it operates no generation and has historically relied on LP&L for its total electric requirements. LP&L challenges these assertions. It appears to be undisputed, however, that in the absence of available base load capacity, the proposed interchange agreement would require a customer to purchase all of its requirements at incremental cost. Furthermore, the proposed interchange agreement contemplates mutuality of service and interchange of power.⁴ Such interchange services may prove to be inappropriate for the supply of a customer's total requirements.

The allegation of anticompetitive conduct advanced in Winnfield's complaint raises significant issues with respect to LP&L's practices as they affect all of its wholesale customers. We note that the City of Vidalia, Louisiana, presently is being served under a full requirements rate based upon average

system costs. Similarly, the loads of municipalities, formerly wholesale customers of LP&L and recently acquired by the company,⁵ are served at average system cost rates. In contrast, the proposed rates for what appears to be full requirement service to Winnfield are based upon incremental costs. We are troubled by the allegations that LP&L may be engaging in a course of conduct which is inconsistent with its obligations under the Federal Power Act. Of particular concern is the application of average system cost rates to certain full requirements service while charges for apparently similarly situated customers are based upon incremental costs.⁶ Such rate disparity may constitute undue discrimination in violation of section 205(b) of the Act.⁷

Our analysis of LP&L's filing indicates that the proposed rates have not been shown to be just and reasonable and that these rates may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, we shall accept the rates for filing and suspend them as directed below.

In a number of suspension orders,⁸ we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here. Moreover, we find that good cause has not been shown to grant waiver of the notice requirements. Accordingly,

we shall suspend the proposed rates for five months to become effective, subject to refund, on December 12, 1981.

The hearing to be convened in this proceeding should address the rates and the appropriate form of service for Winnfield as well as the allegations of discrimination, anticompetitive conduct, and price squeeze. In order to ensure that any relief which may be warranted is available to Winnfield at the earliest possible date, we shall direct the presiding judge and the parties to expedite this proceeding so that an initial decision may be issued within such time as to permit the Commission to act in these dockets within the five month suspension period.

Pursuant to section 2.17 of the Commission's regulations, we shall initiate price squeeze procedures in these dockets. Barring an extraordinary showing of good cause, this issue shall also be considered on an expedited basis and shall not be phased for subsequent resolution.

Because Docket Nos. EL81-13-000 and ER81-457-000 may present common questions of law and fact, we shall consolidate those dockets for purposes of hearing and decision.

In its response to the amendment to Winnfield's complaint, LP&L states that it has billed the city for service furnished from May 25, 1981, to June 1, 1981, under the incremental rates contained in the tendered interconnection agreement. The city contends that such charges have been demanded in violation of section 205(d) of the Federal Power Act as an attempt "to drive Winnfield out of the market in which it competes with LP&L."

Pursuant to section 205(d), a utility subject to the Commission's jurisdiction is prohibited from demanding or collecting any rates or charges other than those on file with the Commission. Section 35.1(e) of the Commission's regulations implements this prohibition by requiring jurisdictional utilities to adhere to the provisions of their filed rates schedules. See *Northwestern Public Service Company v. Montana-Dakota Utilities Company*, 181 F.2d 19 (8th Cir., 1950) *aff'd* 341 U.S. 246 (1951).

While the contract between LP&L and Winnfield expired by its own terms as of May 14, 1981, the contract rate and terms of service had become part of LP&L's rate schedule on file with the Commission, and as such, continue in effect unless and until superseded by a subsequent rate schedule which is allowed to become effective by the Commission. Prior to the issuance of this order, the interchange agreement submitted by LP&L had not yet been

²Due to the contractually fixed nature of LP&L's service to the customers affected by its proposed rate in Docket No. ER77-533, that rate will not become effective until issuance of a final Commission order deciding all outstanding issues in that case. Opinion No. 110, issued January 28, 1981.

⁴For example, the various service schedules upon which Winnfield would rely for its power needs provide for: (1) mutual emergency assistance to and from a municipally owned and operated electric system which supplies the power and energy requirements of its own customers; (2) mutual reserve capacity service when the purchasing party has generating capability available to carry its load responsibility and spinning reserve; (3) supplemental power for that load in excess of 94% of the purchasing party's sustained run generation capability or purchased firm capacity; (4) surplus power provided on an interruptible basis; and (5) economy service priced on a split-savings basis intended to displace the purchaser's higher cost generation.

⁵Since 1975, LP&L has acquired the electric systems of the Cities of Homer, Jonesboro, Lake Providence, Rayville, and Thibodaux, Louisiana.

⁶See *Florida Power & Light Company*, Opinion No. 57, Docket Nos. ER78-19 (Phase I) and ER78-81 (August 3, 1979).

⁷We have previously expressed similar concerns with respect to other customers of LP&L's. In Docket Nos. ER79-31, *et al.*, involving interchange rates to Cajun Electric Cooperative, the Town of Jonesville, and the City of Houma, Louisiana, we noted certain rate differentials among these customers and we required LP&L to demonstrate that its imposition of disparate rates for ostensibly the same types of service would not be unduly discriminatory. See order issued August 7, 1980.

⁸E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

accepted for filing. The proposed incremental rate contained therein, therefore, was not LP&L filed rate for service to Winnfield. LP&L could not lawfully charge Winnfield under that rate schedule in advance of Commission acceptance of the interchange agreement for filing subject to any designated suspension period and refund requirement. As a result, LP&L's bill to Winnfield dated June 16, 1981, contains unlawful charges to the city. Because, as noted above, waiver of the notice requirements has not been found to be warranted, LP&L will be directed to refrain from demanding or collecting any amounts under its currently proposed interconnection agreement for the period between May 19, 1981, and December 11, 1981. In addition, we shall require LP&L to refund all amounts which may already have been collected from Winnfield in excess of amounts properly chargeable under the previously effective rate schedule, and to refrain from taking any other action which may jeopardize Winnfield's rights under the prior rate schedule.

In light of the declaratory and other relief provided by this order, it should not be necessary for the Commission to seek injunctive relief against LP&L, as requested in Winnfield's amended complaint. Accordingly, the Commission will defer consideration of the request for injunctive relief at this time.

The Commission orders:

(A) Winnfield's motion to reject LP&L's submittal in Docket No. ER81-451-000 is hereby denied.

(B) LP&L's request for waiver of the notice requirements is hereby denied, and LP&L's submittal in Docket No. ER81-451-000 is hereby accepted for filing and suspended for five months from 60 days after filing to become effective, subject to refund, on December 12, 1981.

(C) Docket Nos. ER81-457-000 and EL81-13-000 are hereby consolidated for purposes of hearing and decision.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of LP&L's rates and practices.

(E) The City of Winnfield is hereby permitted to intervene in these proceedings subject to the Commission's Rules of Practice and Procedure and the

regulations under the Federal Power Act; *Provided, however*, that participation by such intervenor shall be limited to the matters set forth in the complaint and petition to intervene; and *provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered by the Commission in this proceeding.

(F) The hearing in this proceeding shall be expedited so as to permit the Commission to take final action within the five month suspension period.

(G) The price squeeze issue in this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations. Such issue shall not be phased unless so ordered by the presiding judge upon an extraordinary showing of good cause.

(H) LP&L shall refrain from: (1) taking any action to demand or collect any amounts under its currently proposed interconnection agreement for any period prior to December 12, 1981; (2) taking any action with respect to Winnfield as a result of Winnfield's nonpayment of charges based upon the suspended rate schedule (including LP&L's bill to Winnfield dated June 16, 1981); and (3) otherwise demanding or collecting from Winnfield any charge other than the filed rate presently applicable to service to Winnfield.

(I) Within ten (10) days of the date of this order, LP&L shall refund, with interest, any amounts collected from Winnfield in excess of the rate schedule currently on file with this Commission and being superseded by the filing in Docket No. ER81-452-000.

(J) Within ten (10) days of the refunds required by paragraph (C) above, LP&L shall submit a refund compliance report to the Commission.

(K) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding to be held as soon as practicable for the purpose of expediting discovery and establishing expedited procedural dates, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(L) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,
Secretary.

Louisiana Power & Light Company

Docket No. ER81-457-000

Dated: May 12, 1981.

Filed: May 12, 1981.

Other Party: City of Winnfield.

Designation and Description

- (1) Rate Schedule FERC No. 68 (Supersedes Rate Schedule FPC No. 28 as supplemented)—Interconnection Agreement
- (2) Supplement No. 1 to Rate Schedule FERC No. 68—Emergency Assistance
- (3) Supplement No. 2 to Rate Schedule FERC No. 68—Reserve Capacity
- (4) Supplement No. 3 to Rate Schedule FERC No. 68—Supplemental Power
- (5) Supplement No. 4 to Rate Schedule FERC No. 68—Surplus Power
- (6) Supplement No. 5 to Rate Schedule FERC No. 68—Economy Power
- (7) Supplement No. 6 to Rate Schedule FERC No. 68—Firm Transmission Service
- (8) Supplement No. 7 to Rate Schedule FERC No. 68—Interruptible Transmission Service

[FR Doc. 81-21121 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-462-000 and ER81-463-000]

Ohio Power Co.; Order Accepting for Filing and Suspending in Part Proposed Rates, Accepting Settlement Rates in Part, Granting and Denying Motions, Granting Interventions, and Establishing Procedures

Issued: July 14, 1981.

On May 15, 1981, Ohio Power Company (OPCO) tendered for filing in Docket No. ER81-462-000 revised rates for firm power service to fourteen municipal wholesale electric customers (Municipals). These rates, which are proposed to become effective on July 15, 1981, provide for an annual increase in jurisdictional revenues of approximately \$1,464,000 based on the twelve month period ending December 31, 1981. Also on May 15, 1981, OPCO tendered for filing in Docket No. ER81-463-000 revised rates applicable to Wheeling Electric Company, a wholly-owned OPCO subsidiary. These rates represent an increase in jurisdictional revenues of approximately \$9,122,000 for the twelve months ending December 31, 1981.¹

Filed concurrently with the proposed rate increases were settlement agreements between OPCO and Wheeling and between OPCO and all

¹ See Attachment A for customers and rate schedule designations.

but one of the Municipals.² The executed settlement agreements purport to resolve all issues arising from OPCO's proposed rate increases and would reduce the annual rate increases from approximately \$9.12 million to \$7.14 million for Wheeling and \$1.46 million to \$0.76 million for the Municipals. OPCO has requested waiver of all applicable regulations so that in lieu of the filed rates the settlement rates in Docket No. ER81-462-000 may become effective as of May 1, 1981, and May 1, 1982, and the settlement rates in Docket No. ER81-463-000 may become effective as of July 15, 1981, and May 1, 1982.³

The settlement agreements further provide that they are conditioned upon waiver of the notice and filing fee requirements and upon acceptance of the settlement rates without suspension. If not accepted in their entirety, the settlement agreements are to be deemed withdrawn.

OPCO also submitted for filing new service agreements between OPCO and the Municipals dated in 1978 and 1979. The agreements provide for new initial five year terms with automatic three year renewals unless terminated on three years' notice. OPCO requests that they be made effective as of the dates specified in each agreement.

Notices of the filings were issued on May 29, 1981, with responses in both dockets due on or before June 15, 1981. On June 12, 1981, the West Virginia Public Service Commission (WVPSC) filed a notice of intervention in Docket No. ER81-463-000. On June 15, 1981, Linden Chemicals & Plastics, Inc., Mobay Chemical Corporation, and PPG Industries, Inc. (Industrials) filed a petition to intervene and motion for maximum suspension in Docket No. ER81-463-000. Neither pleading advances specific substantive claims. The WVPSC seeks intervention and ask that it be given a reasonable time in which to respond to OPCO's filing. The Industrials also note that they have had little opportunity to review OPCO's filing in detail and urge the Commission to impose a maximum five-month suspension. The Industrials state that they first became aware of OPCO's filing on June 8, 1981, by means of a June 5, 1981 notice in the *Federal Register*.⁴

Discussion

Initially, we find that participation by the Industrials is in the public interest. Consequently, we shall grant the petition to intervene. The timely filed notice of intervention is sufficient to initiate participation in this proceeding by the WVPSC.

With respect to Docket No. ER81-462-000, no protest or petition to intervene has been received. Moreover, our analysis indicates that the proposed settlement rates will not yield excessive revenues. In view of the failure of anyone to object, the results of our preliminary analysis, and the agreement of the Municipals to the settlement, we shall accept the settlement rates for filing with respect to the Municipals, without suspension. Furthermore, because all of the affected customers have consented to the proposed effective dates, we find that good cause exists to grant OPCO's request for waiver of the notice requirements. Thus, the first and second phase settlement rates in Docket No. ER81-462-000 will become effective as of May 1, 1981, and May 1, 1982, respectively.

In addition, the new service agreements filed in Docket No. ER81-462-000 between OPCO and the Municipals have been agreed to by the Municipals and no protests have been filed. Accordingly, we shall again grant waiver of the notice requirements and the new service agreements will become effective on the dates contemplated by the respective agreements.

In light of the protests filed in Docket No. ER81-463-000, and particularly the fact that the intervenors may not have had sufficient time to examine and evaluate the proposed rate increase, we cannot conclude that the rates proposed by OPCO for service to Wheeling have been shown to be just and reasonable and we find that they may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rates applicable to Wheeling for filing and suspend them as ordered below.

In a number of suspension orders,⁵ we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe

that the filing may be unjust or unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. While our preliminary analysis indicates that the proposed rates may not yield excessive revenues as applied to Wheeling, we acknowledge that the intervenors may not have had sufficient time in which to examine and evaluate the proposed rates. Moreover, as retail customers of a wholesale affiliate of the filing utility, the Industrials may be significantly affected by the proposed rates without having been served with notice of the filing. Accordingly, in order to ensure refund protection pending further review, we shall exercise our discretion to suspend the filed rates for one day from sixty days after filing, permitting these rates to take effect subject to refund thereafter on July 16, 1981. If, however, the WVPSC or the Industrials fail to raise any substantive issues within the rehearing period, the Commission would be inclined to favorably consider a request for waiver of notice and acceptance of the settlement rates.

Concerning OPCO's request for waiver of the Commission's filing fee requirements, we note that OPCO calculated and submitted its filing fees in these dockets based on the full proposed rate increases, rather than the lower settlement rates. Because no further filing fee is required by our regulations, the requested waiver is unnecessary.

The Commission orders:

(A) OPCO's request in Docket No. ER81-462-000 for waiver of the notice requirements is hereby granted.

(B) OPCO's settlement rates tendered for filing on May 15, 1981, in Docket No. ER81-462-000 are hereby accepted for filing, without suspension, with step one to become effective on May 1, 1981, and step two to become effective on May 1, 1982. OPCO's request for substitution of and acceptance of the settlement rates filed in Docket No. ER81-462-000 is hereby granted.

(C) The revised service agreements between OPCO and the Municipals filed in Docket No. ER81-462-000 are hereby accepted for filing to become effective, without suspension, as of the dates provided in the respective agreements.

(D) OPCO's proposed rates tendered for filing in Docket No. ER81-463-000 on May 15, 1981, are hereby accepted for filing and suspended for one day to

² A settlement between OPCO and the remaining affected wholesale customer, the Village of Plymouth, Ohio, was filed on May 28, 1981.

³ The settlement rates represent two-step rate increases with the second step for both the Municipals and Wheeling to be deferred until May 1, 1982.

⁴ We note that the Industrials are customers of Wheeling rather than OPCO. As a result, it appears that they were not served by OPCO at the time of filing.

⁵ E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

become effective on July 16, 1981, subject to refund pending hearing and decision.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of OPCO's rates for service to Wheeling.

(F) The Industrials' petition to intervene in Docket No. ER81-463-000 is hereby granted subject to the rules and regulations of the Commission; *Provided, however*, that participation by the intervenors shall be limited to matters set forth in their petition to intervene; and *Provided, further*, that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

Ohio Power Company

Rate Schedule Designations—Firm Power Rates as Provided by "Settlement Agreements" With Wholesale Customers

Docket No. ER81-463-000

Filed: May 15, 1981.

Dated: Undated.

Effective: (1) through (4) May 1, 1981; (5) May 1, 1982.

Other Parties: Tariff Customers.

The following five designations are under FPC Electric Tariff, Original Volume No. 1:

(1) First Revised Sheet No. 7A (Supersedes Original Sheet No. 7A)

- (2) Third Revised Sheet No. 8 (Supersedes Second Revised Sheet No. 8)
- (3) Third Revised Sheet No. 9 (Supersedes Second Revised Sheet No. 9)
- (4) Third Revised Sheet No. 10 (Supersedes Second Revised Sheet No. 10)
- (5) Second Revised Sheet No. 7A (Supersedes First Revised Sheet No. 7A)

The following designation is applicable to each of the revised Service Agreements with the 14 Municipals:

Designation	Other Party	Dated and effective
Service Agreement under FPC Electric Tariff, Original Volume No. 1.	Arcadia	12-27-78
	Bloomdale	12-22-78
	Carey	12-22-78
	Cygnel	01-02-79
	Dashier	12-26-79
	Greenwich	12-28-78
	Ohio City	12-22-78
	Plymouth	12-22-78
	Republic	12-22-78
	St. Clairsville	12-15-78
	Shiloh	12-29-78
	Sycamore	12-22-78
	Wapakoneta	12-20-78
	Wharton	12-22-78

The following designation is applicable to the "Settlement Agreement" between the Company and each of the 14 Municipals:

Supplement to Service Agreement under FPC Electric Tariff, Original Volume No. 1.

Docket No. ER81-463-000

Filed: May 15, 1981.

Dated: Undated.

Effective: July 16, 1981, subject to refund.

Other Parties: Wheeling Electric Company.

Designation

Supplement No. 9 to Rate Schedule FPC No. 18 (Supersedes Supplement No. 8).

[FR Doc. 81-21122 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-7-000 (PGA81-2, IPR81-2, DCA81-2, and LFUT81-2)]

Southern Natural Gas Co.; Order Accepting for Filing, Subject to Conditions, and Suspending Proposed Tariff Sheets

Issued: June 30, 1981.

Southern Natural Gas Company (Southern) filed revised tariff sheets¹ on June 1, 1981, which reflect an increase in the cost of purchased gas, as well as a Louisiana First Use Tax (LFUT) adjustment, a revised surcharge designed to recover estimated demand charge credits, and approximately \$478 million in costs related to purchases of deregulated Section 107 gas and certain deregulated high-cost gas from company-owned production. This rate increase also includes purchases of

Mexican import gas at the current border price of \$4.94 per Mcf and producer purchases escalated pursuant to area rate clauses. A July 1, 1981 effective date has been proposed by Southern.

Southern has reported Maximum Surcharge Absorption Capabilities (MSAC) of \$667,113 for producer suppliers, incremental acquisition costs of \$139,864,238, and MSAC allocated to upstream pipelines of \$74,124. The PGA has been reduced by .229 cent per Mcf to reflect the amount of reported MSAC. The Commission notes further that Southern has not included in its current or deferred PGA account balances accrued purchased gas costs which were charged thereto prior to payment, excluding those entries associated with the normal PGA cycle.

Public notice of the filing was issued on June 8, 1981, providing for protests on petitions to intervene to be filed by June 22, 1981.

Petitions to intervene were filed by the petitioners listed in Appendix B to this order. In addition, a protest and request for suspension and formal proceedings was filed on June 22, 1981 by the Georgia Industrial Group. Having demonstrated an interest in the proceeding warranting their participation, the petitions listed in the Appendix are granted intervention.

The Georgia Industrial Group² alleges in their protest that Southern's increased purchased gas cost threaten to make Southern's gas so expensive at the burner tip that they may cause a loss of load and create particular burdens on industrial customers. This situation, according to the Georgia Industrial Group, has been caused by Southern's recent purchases of deregulated gas priced under Section 107 of the NGPA at prices far in excess of the cost of alternative fuels, including No. 2 fuel oil.³

The Georgia Industrial Group alleges that Southern's filing does not allow the Commission to determine whether abuses have been involved in the pipeline's recent Section 107 gas purchases. Specifically, the Georgia

² The members of the Group are: American Industrial Clay Company of Sandersville, Anglo-American Clays Corporation, Chemical Products Corporation, Engelhard Corporation, Freeport Kaolin Company, General Motors Corporation, Georgia Kaolin Company, Midland Glass Company, Inc., Nord Kaolin Company, Pabst Brewing Company, and Thiele Kaolin Company.

³ The Georgia Industrial Group points out that twenty-two of the contracts covering this Section 107 gas provide for purchases at more than \$8.30 per Mcf. Of these twenty-two contracts, two provide for purchases at \$9.26 per Mcf. In addition, two of the contracts involve purchases from an affiliate of Southern at approximately \$8.61 per Mcf.

¹ Forty-Seventh Revised Sheet No. 4A and Third Revised Sheet No. 45R, to FERC Gas Tariff, Sixth Revised Volume No. 1.

Industrial Group claims that it is necessary to secure information regarding such things as Southern's gas purchase policies, efforts of the pipeline to secure less expensive sources of supply, efforts made in reaching price-related terms for their 107 contracts, information concerning other contract conditions including prepayment and take-or-pay provisions, and practices in setting prices of affiliate production. The Georgia Industrial Group claims that without this type of information, the Commission cannot make reasoned determinations that the pipeline has met the affiliated entities test of Section 601(b)(1)(E) of the NGPA and that the non-affiliated purchased gas costs are not excessive due to fraud, abuse or similar grounds under Section 601(c)(2) of the NGPA.

For these reasons the Georgia Industrial Group requests that the Commission suspend the effectiveness of Southern's proposed PGA increase, subject to refund, and set the matter for full evidentiary hearings.

In its deliberations on the Georgia Industrial Group's request to set for hearing the question of whether Southern should be allowed to pass through the cost of deregulated gas, the Commission remains uncertain as to the particularities of the Georgia Industrial Group's allegations.

Situations might arise in which it would be appropriate to deny pass through the gas costs in accord with Section 601 (b) and (c). We are not able at this stage to say whether the Georgia Industrial Group's allegations sufficiently define a wrong which would lead the Commission to deny pass through in accord with Section 601(c). The mere conclusory allegation of a violation without any factual or indicative elements supporting such an allegation would ordinarily not be sufficient to lead the Commission to set the matter for hearing. However, this being a case of first impression, we believe it essential that the legal and factual issues relating to Section 601(c) be resolved at hearing. We therefore in this instance will refer such matters to an Administrative Law Judge for initial consideration.

More specifically, the Commission does not perceive that Section 601(c) provides for an examination of prudence, as would be the case under conventional Natural Gas Act rate proceedings, based upon Southern's purchasing the subject gas, rather than other types of gas. However, when assertions are presented that Section 107 purchases involve conduct which rises to the level of fraud, abuse, or similar circumstances, we have a duty to

evaluate them under the statutory criteria in Section 601(c). Abuse, in this context, does not refer to imprudence but to serious improprieties. The Georgia Industrial Group's allegations suggest improper behavior which may rise to that level, and that is the question we are setting for the Judge's consideration. Allegations of fraud and similar behavior are serious matters and the Commission will pursue such matters to the appropriate extent. However, it is important to emphasize that Section 601 establishes a guarantee of cost pass through for Section 107 gas absent a finding of fraud, abuse or similar grounds, and protestants have the burden to demonstrate the impropriety that would trigger the "fraud, abuse or similar grounds" basis for denying pass through of costs.⁴

With respect to the Georgia Industrial Group's concerns with Southern's purchases of Section 107 gas from its affiliate and Southern's pricing of company-owned production, the Commission notes that the appropriateness of costs associated with affiliate and company-owned production is controlled by Section 601(b)(1)(E) of the NGPA and Section 154.42 of the Commission's regulations. These provisions require that prices paid for affiliate production and costs assigned to company-owned production may not exceed prices paid for gas in comparable transactions between non-affiliated parties.

The Commission also shall set for hearing the issue of whether Southern has satisfied the affiliated entities test with respect to its affiliate purchases and company-owned gas. Consistent with our prior action on this issue with other pipelines, the Commission shall require Southern to respond to the data request attached as Appendix A to this order. The Commission notes that it has previously addressed in several orders the issue of the confidentiality of the gas purchase contracts requested in Appendix A.⁵ The Presiding Judge is authorized to issue a protective order regarding these and other contracts which may be requested by the parties; provided, however, that such order is consistent with prior Commission orders.⁶

⁴ The Commission has further addressed these matters in its order on rehearing in *Columbia Gas Transmission Corporation, et al.*, Docket Nos. TA81-1-21-001, et al. (issued April 30, 1981; concurring statement issued June 12, 1981).

⁵ See, Order Granting in Part and Denying in Part Rehearing in *Transcontinental Gas Pipe Line Corporation*, Docket No. TA81-1-29-002, issued April 8, 1981; Order Directing Compliance Filing, *El Paso Natural Gas Company*, Docket No. TA81-2-33-000, issued May 29, 1981.

⁶ *Ibid.*, note 5.

Based upon a review of Southern's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Southern's filing and suspend its effectiveness as set out below, subject to refund and conditions described below.

In a number of suspension orders,⁷ the Commission has addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances are present here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate and grant waiver of the notice requirements so that rates may take effect July 1, 1981, subject to refund, and subject to conditions set forth below.

Southern shall file, within 30 days hereof, revised rates reflecting the proper price to be charged by Sea Robin Pipeline Company⁸ as of July 1, 1981, provided that the revisions do not result in rates higher than those originally filed. In addition, the pricing methodology applicable to LNG costs shall be made subject to the outcome of proceedings in Docket No. RP80-136, et al., to which Southern is a party. The acceptance of this filing is further conditioned upon the elimination of the Louisiana First Use tracking adjustment, in accordance with the Supreme Court Decree in *Maryland v. Louisiana*.

Southern's rate adjustment tracks increases in the cost of LNG purchased from its affiliate, Southern Energy

⁷ E.g., *Valley Gas Transmission, Inc.*, Docket No. RP80-98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80-134 (September 24, 1980) (five month suspension).

⁸ Southern purchases gas from Sea Robin Pipeline Company (Sea Robin). Sea Robin filed a PGA rate increase on June 1, 1981. Since the proper rate to be charged Southern by Sea Robin may not be the rate reflected in this filing, a revised filing is necessary.

Company (Southern Energy). Annualized payments to Southern Energy are projected to be \$35 million, while \$3,470,752 of that amount represents purchased gas costs for LNG from storage.⁹ Southern Energy, however, is not currently receiving shipments of LNG at its facilities at Elba Island. The Commission notes that Southern Energy is presently a party to the proceeding in Docket No. RP80-136, *et al.*, in which the issue of whether the minimum bill provisions in Southern Energy's tariff should be used to compute LNG costs during such supply interruptions is being investigated. Accordingly, this tariff filing shall be suspended and permitted to become effective July 1, 1981, subject to refund, pending the outcome of the proceedings in Docket No. RP80-136, *et al.*

On June 15, 1981, the Supreme Court of the United States issued a Decree in *Maryland v. Louisiana*,¹⁰ prohibiting Louisiana from collecting the First Use Tax which had been levied by that state. In accordance with that Decree, the LFUT tracking adjustment reflected herein shall be eliminated.

Finally, the Commission notes that Southern's filing includes increases pursuant to area rate clauses in its contracts with producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders in Docket No. RM79-22¹¹—that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Southern shall be flowed through to the ratepayers in accordance with the procedures prescribed in Southern's PGA clause.

The Commission Orders:

(A) Pursuant to the authority of Section 601 of the Natural Gas Policy Act of 1978, the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's Regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Southern in the subject filing.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5), shall convene a

pre-hearing conference in this proceeding to be held within 30 days after the issuance of this order in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(C) Subject to the conditions set forth in the body of this order and the ordering paragraphs below, Southern's proposed tariff sheets are accepted for filing and suspended, subject to refund, to become effective July 1, 1981.

(D) Southern shall file, within 30 days from the date of issuance of this order, revised tariff sheets reflecting the applicable price charged by Sea Robin Pipeline Company; *provided, however*, that the revisions do not result in rates higher than those originally filed.

(E) Southern shall file, within 30 days from the date of issuance of this order, revised tariff sheets reflecting the elimination of the LFUT current adjustment.

(F) Southern's collection of costs attributable to purchases of LNG from its affiliate, Southern Energy, shall be subject to refund pending the outcome of Docket No. RP80-136, *et al.*

(G) The petitioners listed in Appendix B to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however*, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *provided, further*, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission,
Kenneth F. Plumb,
Secretary.

Appendix A

In order to make a determination regarding whether or not Southern's company-owned or affiliated purchases of Section 107 gas meets the affiliated entities test additional information is required. Please submit the following information:

(1) Please identify other sources of deregulated gas priced pursuant to Section 107 of the NGPA and purchased by Southern as of July 1, 1981. Further, please provide:

- (a) Contracts between Southern and the suppliers of such gas;
- (b) The geographic origin of such supplies including file and A.P.I. well number;

(c) Indicate if any of the Section 107 wells are jointly owned. If so, provide the names of the other sellers and, if applicable, other buyers;

(d) The price and purchase volumes of such gas;

(e) The pricing mechanism for such gas if no contract applies;

(f) Indicate if the contract has in it, or has determined, a maximum ceiling price for such gas. Provide details.

(2) Please identify any other producers who produce deregulated § 107 gas from the same field from which Southern, or its affiliate, produces or purchases its § 107 gas; if there are no other producers in the same field, then identify producers who produce § 107 gas from fields adjacent to that field. Please indicate the prices being paid for the deregulated § 107 gas in the same field in which Southern produces or purchases § 107 gas and, if there are no other producers in the same field, then indicate the prices being paid for § 107 gas in the adjacent fields.

Appendix B

The Georgia Industrial Group
Office of the Consumer's Utility Counsel
Atlanta Gas Light Company
Process Gas Consumers Group
Alabama Municipal Distributors Group
Board of Water, Light and Sinking Fund
Commissioners of the City of Dalton,
Georgia

Columbia Nitrogen Corporation
Alabama Gas Corporation

[FR Doc. 81-21123 Filed 7-17-81; 6:45 am]

BILLING CODE 6450-66-M

Office of Hearings and Appeals

Cases Filed; Week of June 19 through June 26, 1981

During the week of June 19 through June 26, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 C.F.R. Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals,
July 14, 1981.

⁹ Southern Energy prices LNG to Southern on a full cost of service basis.

¹⁰ 451 U.S. — (1981), Decree Entered, No. 83 Original (June 15, 1981).

¹¹ These orders have been affirmed in *Pennzoil Company, et al. v. Federal Energy Regulatory Commission*, — F.2d —, Nos. 79-1247, 79-1602, (5th Cir., May 20, 1981).

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 19 through June 26, 1981]

Date	Name and location of applicant	Case No.	Type of submission
June 22, 1981	Collins, Ted, Jr., Midland, Texas	BEE-1568	Price Exception. If granted: Ted Collins, Jr., would receive an exception from the provisions of 10 CFR § 212.131 regarding the certification of tertiary incentive crude oil.
June 22, 1981	Fasgo, Inc., Washington, D.C.	BRD-1445, BRH-1445	Motion for Discovery and Request for Evidentiary Hearing. If Granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Fasgo, Inc., in response to a March 24, 1981 Proposal Remedial Order (Case No. BRO-1445).
June 22, 1981	Harkins and Company, Alice, Texas	BEE-1669	Exception To The Reporting Requirements. If granted: Harkins & Company would not be required to file Form EIA-23.
June 22, 1981	San Joaquin Refining Company, Los Angeles, California	BET-0023	Request for Temporary Stay. If granted: San Joaquin Refining Company would receive a temporary stay of its obligation to file a reply to a Notice of Probable Violation which is due by June 24, 1981.
June 23, 1981	Young Refining Corporation, Washington, D.C.	BER-0144	Request for Modification Recission. If granted: The March 30, 1981 Decisions (Case Nos. BEE-1296 and BEX-1479), April 20, 1981 Decisions (Case Nos. BEX-0080 and BEX-0190) issued to Young Refining Corporation by the Office of Hearings and Appeals would be modified.
June 24, 1981	Cray Research, Inc., Washington, D.C.	BFA-0696	Appeal of an Information Request Denial. If granted: The May 28, 1981, Information Request Denial issued by the Office of Nuclear Energy, Division of Naval Reactors, would be rescinded, and Cray Research, Inc., would receive access to certain DOE information.
June 24, 1981	Vinson & Elkins, Houston, Texas	BFA-0697	Appeal of an Information Request Denial. If granted: The May 27, 1981, Information Request Denial issued by the Office of Enforcement would be rescinded, and Vinson & Elkins would receive access to documents relating to prices charged by resellers for regular gasoline in the month of June 1978.
June 25, 1981	OE/R. W. Anderson, Washington, D.C.	BEF-0066	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R. Part 205, Subpart V, in connection with the May 31, 1979 Consent Order issued to R. W. Anderson.
June 25, 1981	Wells, Jerry, Bremerton, Washington	BFA-0698	Appeal of Information Request Denial. If granted: The June 16, 1981, Information Request Denial issued by the Director of Military Application would be rescinded and Jerry Wells would receive access to a copy of the Los Alamos Primer, LA-1.
June 26, 1981	OE/Lovelady Oil Company, Washington, D.C.	BEF-0067	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R. Part 205, Subpart V, in connection with the July 26, 1979, Consent Order issued to Lovelady Oil Company.
June 26, 1981	Warrior Asphalt Company of Alabama, Tuscaloosa, Alabama	BET-0026	Request for Temporary Stay. If granted: Warrior Asphalt company of Alabama would receive a temporary stay of the provisions of 10 C.F.R. § 211.67, which would modify its entitlement purchase obligations.
June 26, 1981	Warrior Asphalt Company, of Alabama, Tuscaloosa, Alabama	BYR-0132, BYR-0133	Request for Modification Recission. If granted: The May 27, 1981 and June 4, 1981 Decisions (Case Nos. BYX-0211 and BEX-0078) issued to Warrior Asphalt Company of Alabama by the Office of Hearings and Appeals would be modified.

Notices of Objection Received

[Week of June 19, 1981 to June 26, 1981]

Date	Name and location of applicant	Case No.
June 22, 1981	Indiana Farm Bureau Cooperative Association, Inc., Washington, D.C.	BEE-1626

[FR Doc. 81-21112 Filed 7-17-81; 8:45 am]
BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of June 15 Through June 19, 1981

During the week of June 15 through June 19, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with

the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10

CFR 205.194 on or before August 10, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.
July 14, 1981.

Granada Chevron, Livermore, California,
BRO-1447, Motor Gasoline

On June 16, 1981, Granada Chevron, 1925 Barcelona Street, Livermore, California filed a Notice of Objection to a Proposed Remedial Order which the DOE Western (San Francisco) District Office of Enforcement issued to the firm on May 29, 1981. If the PRO the Western District found that during the period August 1, 1979, to January 6, 1981, Granada Chevron charged more than the maximum lawful selling price for one or more grades of gasoline, failed to keep and maintain books and records to support the lawfulness of the price of gasoline on the audit date, and/or engaged in unlawful or discriminatory business practices. According to the PRO the Granada Chevron violation resulted in \$1710.51 of overcharges.

[FR Doc. 81-21113 Filed 7-17-81; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Rate Order Confirming, Approving, and Placing a Power Rate Into Effect on an Interim Basis for the Fryingpan-Arkansas Project

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of a rate order—Fryingpan-Arkansas Project.

SUMMARY: Rate Order No. WAPA-9 places into effect on an interim basis a rate for sales of power from the Fryingpan-Arkansas Project (Fry-Ark). The Mt. Elbert Pumped-Storage Powerplant is the principal power feature of the Fry-Ark. The powerplant has two units; each is rated 100 MW during the generating cycle and 130 MW during the pumping cycle. The first unit is scheduled for initial operation in July 1981. The scheduled inservice date for the second unit is August 1983.

The power service being marketed from the Fry-Ark Project is capacity without energy; the customers will be

required to supply the necessary pumping energy. The monthly rate for Fry-Ark capacity without energy is \$3.11 per kilowatt of contract rate of delivery. This rate has been designed, in accordance with mandates of the authorizing acts, to return to the United States the project costs allocated to power within 50 years of completion of each power unit and of the irrigation costs assigned to power for repayment within 50 years of completion of the irrigation facilities. It is based on data contained in the July 31, 1980, Fry-Ark power repayment study.

Fry-Ark power will be delivered over Western Area Power Administration's (Western) transmission system to Public Service Company of Colorado's (Public Service) Malta Substation. The Fry-Ark customers will bear transmission costs and losses incurred in transmitting generation and pumping energy between Malta Substation and the customer's point(s) of delivery. The United States and Public Service have entered into a contract which provides of Public Service to transmit Fry-Ark generation from its Malta Substation to other points of interconnection between the United States and Public Service, and to transmit pumping energy from the points of interconnection. The cost of this service by Public Service is 1 mill/kWh and 5-percent losses in each direction.

The sale of capacity without energy from Fry-Ark is a minor new service because it is a service from a new power system which will have annual sales of less than 100 million kilowatthours.

Further details and responses to public comments concerning the marketing of power from Fry-Ark are found in the rate order.

EFFECTIVE DATE: The rate will become effective on July 11, 1981, but will not be implemented until power is first available from the Mt. Elbert Powerplant, now anticipated to be later in July.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, Department of Energy, 201 South College Avenue, Fort Collins, CO 80522 (303) 224-7201

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401 (303) 231-1545

Mr. James A. Braxdale, Office of Power Marketing Coordination, CE, Department of Energy, Room 3353, Federal Building, Washington, DC 20461 (202) 633-8338

SUPPLEMENTARY INFORMATION: The power rate for the Fry-Ark has been developed by Western pursuant to the Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*), and the Reclamation Act of 1902, (43 U.S.C. 372, *et seq.*), as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) and the Fryingpan-Arkansas Project Acts (76 Stat. 399 (August 16, 1962) and 88 Stat. 1486 (October 27, 1974)).

By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis. Due to a Department of Energy organizational realignment, Delegation Order No. 0204-33 was amended, effective March 19, 1981, to transfer the authority delegated to the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy.

This rate action is being conducted in accordance with the procedures for public participation in power and transmission rate adjustments and extensions which were published in the *Federal Register* on December 31, 1980 (45 FR 86975), as amended by notices published on January 22, 1981 (45 FR 6864) and May 7, 1981 (46 FR 25426). The rate will be submitted to the Federal Energy Regulatory Commission for confirmation and approval on a final basis pursuant to Delegation Order No. 0204-33.

Issued in Washington, D.C., July 10, 1981.

Joseph J. Tribble,

Assistant Secretary for Conservation and Renewable Energy.

Department of Energy.

Assistant Secretary for Conservation and Renewable Energy.

In the Matter of: Western Area Power Administration—Fryingpan-Arkansas Project Capacity Without Energy: Rate Order No. WAPA-9.

Order Confirming, Approving, and Placing a Power Rate Into Effect on an Interim Basis (July 10, 1981)

Pursuant to section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*, the power marketing functions of the Secretary of the Interior under the Reclamation Act of 1902, 43 U.S.C. 372, *et seq.*, as amended and supplemented by subsequent enactments, particularly by section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c), for the Bureau of Reclamation were transferred to and vested

in the Secretary of Energy, By Delegation Order No. 0204-33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, Western Area Power Administration (Western), and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204-33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary.

Background

The Fryingpan-Arkansas Project

The Fryingpan-Arkansas Project (Fry-Ark) is a transmountain water diversion development in the central and southeastern parts of Colorado. The project diverts water from the Fryingpan and Roaring Fork Rivers on the west slope of the Continental Divide to the east slope of the Continental Divide. The Arkansas River then conveys project water downstream for irrigation, and municipal and industrial uses.

The principal power feature of the project is the Mt. Elbert Pumped-Storage Powerplant, located on the east slope of the Continental Divide. The Mt. Elbert Powerplant will have two pump/generator units. Each unit is rated 100 MW during the generating cycle and 130 MW during the pumping cycle. The first unit is scheduled to begin operating in July 1981. The second unit is scheduled to begin operating in August 1983.

Western's Fry-Ark transmission system consists of one 230-kV line which extends from the Mt. Elbert Switchyard to Public Service Company of Colorado's (Public Service) Malta Substation. Western has contracted with Public Service for wheeling service for Fry-Ark generation from Malta Substation over Public Service's transmission system to points of interconnection between Western and Public Service, and for wheeling Fry-Ark pumping energy from the points of interconnection to Malta Substation. The initial Fry-Ark points of interconnection are Malta Substation, Midway Substation, Weld Substation, Rifle Substation, Beaver Creek Substation, Erie Substation, Summit Substation, and Poncha Junction. The Fry-Ark customer shall bear the transmission costs and losses incurred by the United States for transmission of generation and pumping energy between Malta Substation and the points of interconnection. This cost under the United States-Public Service contract is 1 mill/kWh and 5-percent losses in each direction.

Additional transmission beyond Fry-Ark points of interconnection shall require arrangements to be made by the customer.

However, Western has initiated discussions with other non-Federal owners of transmission in the market area in an attempt to expand the transmission service that the United States contracts for on behalf of Fry-Ark customers. The costs and losses for such transmission will have to be borne by the customer.

Public Notice and Comment

In accordance with the rate adjustment procedures published at 10 CFR Part 903 (45 FR 86975, December 31, 1980, as amended by 46 FR 6664 (January 22, 1981) and 46 FR 25426 (May 7, 1981)), Western published notice of the proposed minor rate in the Federal Register (46 FR 19809) on March 31, 1981. A public information forum was held on April 8, 1981. A public comment forum was held on April 29, 1981. The consultation and comment period ended on May 15, 1981.

The rate for Fry-Ark capacity without energy is defined as a minor rate adjustment under the aforementioned procedures because it is for a new service for a new power system which will have annual sales of less than 100 million kilowatthours.

Discussion

Service Availability

The power service which will be marketed from the Fry-Ark is capacity without energy. It will be available for sale east of the Continental Divide in Colorado and Wyoming, west of the 101st meridian in Nebraska, and in Kansas west of the eastern boundaries of those counties intersected by the 100th meridian. The customers will be required to provide the necessary pumping energy.

Rate

The rate for Fry-Ark capacity without energy is \$3.11/kW/mo based on the contract rate of delivery.

Repayment Accounting

The rate has been designed, in accordance with mandates of the authorizing acts, to return to the United States the project costs allocated to power within 50 years of completion of each power unit and the irrigation costs assigned to power for repayment within 50 years of completion of the irrigation facilities. It is based on data contained in the July 31, 1980, Fry-Ark power repayment study.

Allocation of Joint Costs

A recent Department of the Interior internal audit suggested a change in the allocation of joint costs that would increase the total capital costs allocated to power from \$148,744,000 to \$179,251,000. However, there is an unresolved question as to whether the possible change derives from a change in cost allocation or project evaluation standards, and therefore is subject to prior approval of Congress pursuant to the Department of Energy Organization Act. A decision on reallocation of joint costs will not be available in time for use in initial contracts. If the change is allowed, the power rate may have to be increased by a subsequent rate adjustment.

Public Comments

Two comments were received concerning transmission arrangements for Fry-Ark capacity. The thrust of the comments was:

A. The United States should negotiate on behalf of Fry-Ark customers for transmission arrangements in addition to those established in the United States—Public Service wheeling contract.

B. The costs of such present and future Fry-Ark transmission arrangements should be incorporated into the Fry-Ark power rate.

The Mt. Elbert-Malta transmission line is interconnected with Public Service's transmission system. Existing transmission arrangements were negotiated at a time when most of the interest in Fry-Ark power was expressed by entities interconnected with Public Service's transmission system. Additional transmission arrangements are needed to adequately serve the expanded group of entities now requesting Fry-Ark capacity. As stated previously, Western has initiated discussion with other non-Federal owners of transmission in the market area in an attempt to expand the transmission service that the United States contracts for on behalf of Fry-Ark customers.

Western recognizes that there may be merit to the suggestion that the cost of such present and future Fry-Ark transmission arrangements be incorporated into project costs and reflected in the Fry-Ark power rate. When and if additional transmission arrangements have been agreed upon, Western will consider incorporating all transmission charges set by United States Fry-Ark transmission service contracts into the Fry-Ark power rate.

National Environmental Policy Act

Western has determined that this ratesetting action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, no environmental assessment or environmental impact statement has been prepared.

Availability of Information

Information regarding this rate adjustment proceeding is available for public review in the Office of the Administrator, Western Area Power Administration, 1536 Cole Boulevard, Golden Colorado 80401, and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Submission to the Federal Energy Regulatory Commission

The rates herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted to the FERC for confirmation and approval on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective July 11, 1981, Rate Schedule FA-1. This rate shall remain in effect on an interim basis for a period of 12 months unless such period is extended, or until the FERC confirms and

approves this or a substitute rate on a final basis, whichever occurs first.

Issued in Washington, D.C., July 10, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[Rate Schedule FA-1]

United States Department of Energy—
Western Area Power Administration

Fryingpan-Arkansas Project—Schedule of Rates for Capacity Without Energy

Effective: July 11, 1981.

Available: In the area served by power from the Fryingpan-Arkansas Project.

Applicable: To wholesale power customers for capacity without energy.

Character and Condition of Service:

Alternating current, 60 hertz 3-phase, delivered and metered at the voltage and points established by contract.

Monthly Rate: \$3.11 per kilowatt of contract rate of delivery.

Adjustments: Customers will be required to bear transmission costs and losses of 1 mill/kWh and 5-percent losses in each direction for wheeling of energy to and from the Malta Substation over the transmission system of Public Service Company of Colorado.

(PR Doc. 81-21036 Filed 7-17-81; 8:45 am)

BILLING CODE 8450-01-M

ENVIRONMENTAL PROTECTION AGENCY

(PF-232; PH-FRL-1886-8)

Certain Pesticide Chemicals; Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have submitted pesticide petitions to the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities.

ADDRESS: Written comments to the product manager cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20450.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-232]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

The product manager cited in each specific petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA

gives notice that the following companies have filed pesticide petitions with the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2501. Atlantic and Pacific Research Inc., PO Box 14545, North Palm Beach, FL 33408, proposes amending 40 CFR 180.1042 by establishing an exemption from the requirement of a tolerance for residues of the plant growth regulator aqueous extract of seaweed meal derived from *Laminaria digitata*, *Laminaria hyperborea*, *Fucus serratus*, and *Ascophyllum nodosum* in or on cotton. The proposed analytical method for determining residues is a bean hypocotyl. (PM 25, Robert J. Taylor, 703-557-7066).

PP 1F2504. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposes amending 40 CFR 180.223 by reducing the established tolerances for the combined residues of the herbicide 2,4-dichlorophenyl p-nitrophenyl ether and its metabolites containing the diphenyl ether linkage from 0.75 part per million (ppm) to 0.1 ppm in or on broccoli, brussels sprouts, cabbage, cauliflower, celery, kohlrabi, and onions (dry bulb form). The petition also proposes that the established tolerances for carrots at .75 ppm; green bunching onions at .75 ppm; parsley at .75 ppm; rice and rice straw at 0.1 ppm; milk fat at 0.5 ppm; poultry fat at 0.2 ppm; eggs and fat (except poultry), meat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm be withdrawn. The proposed analytical method for determining residues is gas-liquid chromatography with an electron capture detector. (PM 25, Robert J. Taylor, 703-557-7066).

PP 1F2508. Dow Chemical Co., PO Box 1700, Midland, MI 48640, proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the herbicide trichlopyr [(3,5,6-trichloro-2-pyridinyl)oxy]acetic acid and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities grasses, forage at 1,000 ppm; grasses, hay at 300 ppm; milk at 0.1 ppm; meat, fat, and meat byproducts (except kidney) and liver of cattle, sheep, and goats at 0.1 ppm; kidney and liver of cattle, sheep, and goats at 1.0 ppm. The proposed analytical method for determining residues is gas chromatography using an electron capture detector. (PM 25, Robert J. Taylor, 703-557-7066).

PP 1F2521. Ciba Geigy Corp., PO Box 11422, Greensboro, NC 27409, proposes amending 40 CFR 180.368 by establishing tolerances for the combined residues of the herbicide metolachlor (2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl)acetamide) and its metabolites

determined as 2-(2-ethyl-6-methylphenyl)-amino-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone each expressed as the parent compound in or on the raw agricultural commodities popcorn at 0.1 ppm and fresh corn, including sweet corn (kernels plus cobs, husks removed) at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography. (PM 23, Richard F. Mountfort, 703-557-7070).

(Sec. 408(d)(1), 68 Stat. 512, [7 U.S.C. 136])

Dated: July 2, 1981.

Douglas D. Campit,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-21078 Filed 7-17-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51285; TSH-FRL-1886-4]**Certain Chemicals; Premanufacture Notices**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the *Federal Register* of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). Section 5(d)(2) requires EPA to publish in the *Federal Register* certain information about each PMN within 5 working days after receipt. This notice announces receipt of five PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-313, 81-314—August 25, 1981

PMN 81-316, 81-317 and 81-318—August 29, 1981

ADDRESS: Written comments, identified by the document control number "[OPTS-51285]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticide and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No., Notice Manager, Telephone, and Room No.

81-313, 81-316, and 81-317—Richard Green (202-426-8815), E-208

81-314—Mary Cushmac (202-426-0503), E-221

81-318—Robert Jones (202-426-8815), E-208

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-313

Close of Review Period. September 24, 1981.

Manufacturer's Identity. Milliken & Company, Milliken Service Division, P.O. Box 1926, Spartanburg, SC 29304.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cromophore substituted poly (oxyalkylene).

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a colorant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. The manufacturer states that the PMN substance LD₅₀ of closely related products with long production histories will have a very low order of toxicity.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81-314

Close of Review Period. September 24, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided.

Manufacturing site—Middle Atlantic. Standard Classification Code—285.e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Adduct of an anhydride and a polyester.

Use. Claimed confidential business information. Generic use information provided: The manufacturer claims that the substance will have a destructive use that will release less than 50 kg/yr. of the new substance into the environment with potential for skin and eye exposure to chemical industry employees at a frequency of less than once per month and that there are no further potential exposures since the substance is totally consumed in a subsequent reaction.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1 year	0	20,000
2 year	20,000	80,000
3 year	80,000	150,000

Physical/Chemical Properties

Acid value—109mg KOH/gm.
Hydroxyl value—121mg KOH/gm.
Total solids (by weight)—90%.
Viscosity—98.7 stokes.*
Color—1.0.*

Toxicity Data. No data were submitted.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 81-316

Close of Review Period. September 28, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—\$100,000,000—\$499,000,000.

Manufacturing site—West North Central U.S.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Quaternary ammonium derivative of unsaturated amide.

Use. The manufacturer states that the PMN substance will be used as an industrial chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Water Solubility—>50%

Vapor Pressure—<10⁻⁴ torr.

Density—1.07g/ml.

Flash Point—>200°F.

pH—1.5.

Chemical Incompatibility—Peroxides, oxidizing agents.

Toxicity Data

Acute oral LD₅₀(Rats)—1.8g/kg.

Acute dermal LD₅₀(Rabbit)—20g/kg.

Primary skin irritation—not an irritant.

Eye irritation (Rabbit)—not an irritant.

Exposure. Manufacturer states that contact with the substance during filter cleaning and possible intermediate drum filling/reactor charging will occur an average of only 3 times per month involving 2-3 people on each occasion.

Environmental Release/Disposal.

Submitter states that release to air and land will be less than 10kg per year.

*Values determined on a solution of the new substance at the % of total solids indicated above.

When temporary storage is required, reactor cleaning will cause release into publicly owned treatment works (POTW). Anticipated release for this reason is estimated at less than 10kg per month. Off-space material will be disposed of by incineration.

PMN 81-317

Close of Review Period. September 28, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided:

Annual sales—\$100,000,000—\$499,000,000.

Manufacturing site—West North Central U.S.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Copolymer of an unsaturated amide with quaternary ammonium derivative of an unsaturated amide.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Test and Results

Melting Point—Starts decomposing at 227°C; solid up to 295°.

Density—1.13g/ml.

Mol. weight—>1,000,000.

Residual monomer—0.1%.

Toxicity Data

Acute oral LD₅₀ (Rats)—4.0g/kg.

Environmental Test Data. The values presented express the Chemical Oxygen Demand (COD) data as mg/1.0_g of a 100mg sample and the Biological Oxygen Demand (BOD) as a percentage of COD.

CODmg/1—124.

BOD₅—7%.

BOD₁₅—12%.

BOD₂₀—16%.

96 Hour LC₅₀ (Bluegill sunfish)—0.35mg/1.

Exposure. The manufacturer states that principal exposure during the production stage will occur during drumming or disposal, exposing 2-3 workers for 8-10 hrs/day for no more than 36 days per year. Some exposure will also occur briefly (i.e., 2-10 minutes maximum) during material transfer. Possible skin and eye contact should be reduced or eliminated by the use of synthetic gloves along with protective face and eye equipment. Vapor inhalation should not be a significant route of exposure due to the extremely low vapor pressure of the product.

Environmental Release/Disposal. The manufacturer states that release to air

and land during manufacture will be less than 10kg per year and that approximately 20kg per month will be released into a publicly owned treatment works (POTW) after cleaning the reactor and filter.

PMN 81-318

Close of Review Period. September 28, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Modified phenolic novolak resin.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Claimed confidential business information

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

Dated: July 10, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-21079 Filed 7-17-81; 8:45 am]

BILLING CODE 6560-31-M

[PW-FRL-1887-2]

Ciba-Geigy Corp.; Withdrawal of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Ciba-Geigy Corp. has submitted withdrawals of pesticide petitions for use of the herbicide profluralin [N-(cyclopropylmethyl)-alpha, alpha, alpha-trifluoro 2,6-dinitro-N-propyl-p-toluidine] in or on certain raw agricultural commodities.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-787C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703-557-7070).

SUPPLEMENTARY INFORMATION: Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro, NC 27409 has withdrawn the following pesticide petitions for use of the herbicide profluralin [N-(cyclopropylmethyl)-

alpha, alpha, alpha-trifluoro 2,6-dinitro-N-propyl-p-toluidine].

PP 7F1993 (42 FR 56643) proposed the establishment of a tolerance for profluralin in or on the raw agricultural commodities leafy vegetables at 0.1 ppm.

PP 7F1989 (42 FR 49839) proposed the establishment of tolerances for the herbicide profluralin in or on the raw agricultural commodities peanuts and peanuts forage at 0.1 ppm; peanut hay at 0.2 ppm, and peanut hulls at 0.3 ppm.

PP 8F2045 (43 FR 10970) proposed the establishment of a tolerance for the herbicide profluralin in or on the raw agricultural commodity flax seeds at 0.1 ppm.

Ciba-Geigy Corp., has withdrawn these petitions without prejudice to further filing in accordance with the regulations (40 CFR 121.52) pertaining to section 408 of the Federal Food Drug, and Cosmetic Act (21 U.S.C. 346a(d)).

Dated: July 2, 1981.

Douglas D. Camp, Jr.

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-21007 Filed 7-17-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

Future World and Regional Administrative Radio Conferences as Scheduled by the International Telecommunication Union

July 13, 1981.

The recently concluded 36th Session of the Administrative Council of the International Telecommunication Union [ITU] has developed a schedule for the holding of ITU World Administrative Radio Conferences (WARC'S) and Regional Administrative Radio Conferences (RARC'S). These radio conferences will be held beginning in late 1981; conferences are scheduled through 1988. The schedule of these conferences, along with the associated Federal Communications Commission [FCC] Notices of Inquiry presently underway, is as follows:

Date/Duration	Scheduled administrative radio conferences	FCC notice of inquiry proceeding
Nov. 9-Dec. 18, 1981.	Second session of the RARC for medium frequency broadcasting in region 2 (Western Hemisphere).	BC Docket Nos. 79-164 and 79-168.
Feb. 23-Mar. 18, 1983.	WARC for mobile telecommunications.	Gen. Docket No. 80-184.

Date/Duration	Scheduled administrative radio conferences	FCC notice of inquiry proceeding
June 13-July 16, 1983.	RARC for the planning of the broadcasting satellite service in region 2 in the 12 GHz band and associated uplinks.	Gen. Docket No. 80-398 (see associated Gen. Docket No. 80-603).
January 1984 (5 wks).	First session of the WARC for the planning of the HF (short-wave) bands allocated to the broadcasting service.	
July 1985 (6 wks).	First session of the WARC on the use of the geostationary satellite orbit and the planning of the space services.	Gen. Docket No. 80-741.
January 1986 (7 wks).	Second session of the WARC for the planning of the HF (short-wave) bands allocated to the broadcasting service.	
September 1986 (4 wks).	RARC for region 2 planning of the AM broadcasting service in the 1605-1705 KHz band.	
September 1987 (6 wks).	Second session of the WARC on the use of geostationary satellite orbit and the planning of the space service.	Gen. Docket No. 80-741.
September 1988 (6 wks).	WARC for the mobile services.	

(This list does not include the Region 1 and Region 3 RARC'S)

The FCC will, as necessary, initiate public Notices of Inquiry proceedings for these conferences. The agenda, location, and exact dates, unless already decided, for each RARC or WARC will be established approximately 2-3 years in advance of the actual conference, in accordance with the procedures specified in the ITU Convention. Some of these radio conferences may be preceded by technical meetings of the ITU International Radio Consultative Committee [CCIR], or ITU Seminars.

While this schedule was set by the 1981 Session of the ITU Administrative Council, future considerations may dictate changes. Thus, the ITU Plenipotentiary Conference (September 28-November 5, 1982), or the annual Administrative Council Sessions may modify the schedule.

For further information, contact the International Staff, Office of Science and Technology at (202) 653-8102.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-21004 Filed 7-17-81; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Working Group Meetings

July 13, 1981.

Change in location

Working Group 1E—Public Service Requirements

Co-Chairman: Frank Norwood, 202/331-0660

Co-Chairman: David E. Honig, 202/387-8155

Meeting—July 14, 1981, 10:00 a.m.-3:30 p.m., Kennedy Room, 7th Floor, Philip Murray Building, 1126 16th Street, N.W., Washington, D.C.

Change in dates and location

Working Group 2A—Planning Parameters

Chairman: Jay Ramasastry, 212/975-1727

Vice Chairman: John E. Miller, 202/755-8570

July 21, 1981 Meeting *Cancelled*
Meeting—September 9, 1981, 9:30 a.m.-4:00 p.m., CBS Viewing Room, Third Floor, 1800 M Street, N.W., Washington, D.C.

Working Group 2B—Planning Approaches and Modification Procedures

Chairman: Ernesto Martin, 202/626-3629

Vice Chairman: Peter Sawitz, 301/588-6180

Vice Chairman: Reinhard Stamminger, 301/840-0320

July 22, 1981 Meeting *Cancelled*
Meeting—September 10, 1981, 9:30 a.m.-4:00 p.m., CBS Viewing Room, Third Floor, 1800 M Street, N.W., Washington, D.C.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 81-21003 Filed 7-17-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Plan for Review of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of Plan for Review of Regulations.

With this notice, the Federal Deposit Insurance Corporation ("FDIC") publishes its plan for the periodic review of rules, as required by the

Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354) ("Act"). The rules of FDIC are set forth in a number of Parts which constitute Chapter III of Title 12 of the *Code of Federal Regulations*.

The Act requires a periodic review (within ten years) of each rule which has or will have a "significant economic impact on a substantial number of small entities" (a term not defined by the Act). The purpose of each review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistently with stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities.

FDIC believes that it may most effectively implement this requirement by continuing the program required by its statement of policy on the development and review of regulations. Accordingly, FDIC will review each of its regulations (not just those having a significant economic impact on a substantial number of small entities) at least every five years to determine whether a regulation should be continued, revised, or eliminated. Additionally each year, FDIC will publish in the *Federal Register* a list of the rules which are to be reviewed in the ensuing twelve months. The list will include a brief description of each rule and the need for, and legal basis of, such rule and will invite public comment upon the rule. The first such list will be published on or before December 31, 1981.

Also, at this time, the FDIC invites public comment on three specific issues that pertain to the review of regulations:

- (1) When does a rule have a significant economic impact?
- (2) When is a bank a small entity?
- (3) Which FDIC regulations warrant most immediate review?

Respondents are asked to explain the bases for their comments.

As stated in the last semiannual agenda of regulations (46 FR 26654, May 14, 1981), the FDIC is currently reviewing Parts 309, 328, and 329 of its regulations. Since January 1, 1981, FDIC has begun or completed review and acted upon the rules listed below. Though individually the following rules may not have a significant economic impact on a substantial number of small entities, nonetheless, the FDIC has reviewed and acted upon

(1) Parts 332 and 337, in a proposed rule which is procompetitive and would relieve restrictions on banks;

(2) Part 326.5(c), by eliminating this subsection and its reporting requirement;

(3) Part 335, a final rule which relieves

restrictions and simplifies the earlier format; and

(4) Part 341, a final rule which eliminates a reporting requirement.

ADDRESS: Comments on the plan for the review of regulations may be mailed to Hoyle Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Carol Galbraith, Attorney, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, (202) 389-4422.

By Order of the Board of Directors, July 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-20402 Filed 7-17-81; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM

Commerce Group, Inc., et al.; Proposed Acquisition of Commerce Affiliated Life Insurance Co.

Commerce Group, Inc., Commerce Group Grand Island Inc., Commerce Group Hastings, Inc., Commerce Group North Platte, Inc., Commerce Group Kearney, Inc., Commerce Group West Point, Inc., all located in Lincoln, Nebraska, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Commerce Affiliated Life Insurance Company, Phoenix, Arizona.

The Applicants state that the proposed subsidiary would engage in the activities of providing credit life, credit health and accident reinsurance. These activities would be performed from offices of Applicants subsidiary in Phoenix, Arizona, and the geographic areas to be served are: For Commerce Group Inc., the Lincoln, Nebraska SMSA, and the County of Scott Bluff, Nebraska; For Commerce Group Grand Island, Inc., Hall County, Nebraska; For Commerce Group Hastings, Inc., the east half of Adams County, Nebraska; For Commerce Group Kearney, Inc., the south half of Buffalo County and north half of Kearney County, Nebraska; For Commerce Group North Platte, Inc., Lincoln County, Nebraska; and For Commerce Group West Point, Inc., Cumming County, Nebraska. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding

companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 12, 1981.

Board of Governors of the Federal Reserve System, July 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21070 Filed 7-17-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Privacy Act of 1974; Report of Amended Routine Uses

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notification of amended routine uses.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(11), we are proposing to amend uses applicable to the following notices of systems of records:

- (1) 09-70-0005, Medicare Bill File (Statistics), HHS/HCFA/ORDS
- (2) 09-70-0006, Medicare Enrollment Records (Statistics), HHS/HCFA/ORDS
- (3) 09-70-0008, Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), HHS/HCFA/ORDS
- (4) 09-70-0501, Carrier Medicare Claims Records, HHS/HCFA/BPO

(5) 09-70-0502, Health Insurance Master Record, HHS/HCFA/BPO
 (6) 09-70-0503, Intermediary Medicare Claims Records, HHS/HCFA/BPO
 (7) 09-70-0506, Group Health Plan System, HHS/HCFA/BPO

We have provided background information about the routine uses in the "Supplementary Information" section below. We invite public comments on this proposal.

DATES: These routine uses will become effective, as proposed, without further notice August 19, 1981, unless we receive comments on or before that date which would result in a contrary determination.

ADDRESS: Interested parties who wish to comment on this proposal should address their comments to Shirley Mulhall, the HCFA Privacy Officer, Health Care Financing Administration, G-C-3 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207.

We will make comments received available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Mr. Glenn J. Martin, Office of Research, Room 1104, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207, telephone (301) 597-2998.

SUPPLEMENTARY INFORMATION: System notice 09-70-0005, Medicare Bill File (Statistics) contains records on bills for services furnished to persons enrolled in the hospital insurance or supplementary medical benefits part of the Medicare program. Also included are demographic data on beneficiaries, diagnosis and surgery data, and provider characteristics. Data in this file are used primarily for statistical and research purposes.

System notice 09-70-0006, Medicare Enrollment Records (Statistics) contains records on bills for services furnished to persons enrolled in the hospital insurance or supplementary medical benefits parts of the Medicare program. Also included are demographic data on beneficiaries, diagnosis and surgery data and provider characteristics. Data in this file are used primarily for statistical and research purposes.

System notice 09-70-0008, Supplementary Medical Sample Bill Summary File (Statistics) contains records on suppliers and billing information on a 5 percent sample of Medicare beneficiaries. Data in this file are used for research and statistical purposes.

System notice 09-70-0501, Carrier Medicare Claims Records contains records on claims for Supplementary Medical Insurance Benefits including itemized bills to support payment to

beneficiaries and to physicians and other suppliers of medical services. Data in this file are used for purposes of administering the Medicare program and for research and statistical purposes.

System notice 09-70-0502, Health Insurance Master Record contains a record of each individual who is, or has been, entitled to health insurance benefits under title XVIII of the Social Security Act. Data in this file are used to administer the Medicare program and for research and statistical purposes.

System notice 09-70-0503, Intermediary Medicare Claims Records contains records on claims for Medicare benefits submitted by providers for reimbursement on a reasonable cost basis including hospital, skilled nursing facility and home health agency bills. Data in this file are used for purposes of administering the Medicare program and for research and statistical purposes.

System notice 09-70-0506, Group Health Plan System contains records on Medicare beneficiaries receiving services from group health plans including entitlement and supplementary medical benefits usage. Data in this file are used in administering the Medicare program and for research and statistical purposes.

The Privacy Act allows us to disclose information routinely without an individual's consent if the information is to be used for a purpose which is compatible with the purposes for which the information was collected. We disclose information for "routine uses" when it is necessary to carry out our programs, including research, evaluation, or epidemiological projects. We may also routinely disclose information to other Federal, State or local or private agencies or individuals for purposes that are compatible with the purposes of our programs when the benefit of the proposed use outweighs the effect, or risk of an effect, on the privacy of individuals. We consider a purpose to be compatible if (1) it is related to the prevention of disease or disability or restoration or maintenance of health or (2) it is related to human services or to income maintenance programs such as those administered by the Social Security Administration. In evaluating the benefit of a proposed use, we consider the importance of the objectives of the use and likelihood that they will be attained. We also take into account whether release of the data is necessary and feasible and whether the data will be protected once released. We believe that the amended routine uses which we are proposing meet these criteria. Accordingly, we are revising the above-mentioned systems notices as indicated below.

Systems Notices 09-70-0005, 09-70-0006, 09-70-0008, 09-70-0501, 09-70-0502, 09-70-0503, and 09-70-0506

We have amended the routine uses of these systems by changing the routine uses that permit disclosure to HCFA contractors and grantees for research, evaluation, or epidemiological projects that are compatible with HCFA program purposes and meet criteria assuring that the benefit from the projects outweighs the intrusion or risk of intrusion into the privacy of individuals. We removed the limitation of disclosure to HCFA contractors and grantees and permit for disclosure to individuals and organizations. These disclosures would also be limited to those meeting criteria which assure that the use is likely to be for an important purpose; the use is likely to be effective in attaining the purpose; release of the data is necessary and feasible; and the data will be protected from further disclosure. The amended uses are as follows:

To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. *Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;*

b. *Determines that the purpose for which the disclosure is to be made:*

(1) *Cannot be reasonably accomplished unless the record is provided in individually identifiable form,*

(2) *Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and*

(3) *There is reasonable probability that the objective for the use would be accomplished;*

c. *Requires the information recipient to:*

(1) *Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and*

(2) *Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and*

(3) *Make no further use or disclosure of the record except:*

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

The notices below contain the amended routine uses as indicated above.

Dated: July 6, 1981.

Carolyn K. Davis, Ph.D.,

Administrator, Health Care Financing Administration.

09-70-0005

SYSTEM NAME:

Medicare Bill File (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons enrolled in hospital insurance or supplemental medical benefits parts of the Medicare program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bill data; demographic data on the beneficiary, diagnosis and surgery codes on a sampling of the population; provider characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the operation and effectiveness of the Medicare program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(2) To the Bureau of Census for use in processing research and statistical data directly related to the administration of Social Security programs.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(4) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

(b) Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use of disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law; d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by health insurance claim number and by hospital provider number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained with identifiers as long as needed for program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research
Demonstrations and Statistics
Health Care Financing Administration
Room 4228, HHS Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, utilization and date of utilization under Part A or Part B of Medicare services, home health agency, hospital (inpatient), hospital (outpatient) or skilled nursing facility.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

(These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare enrollment records; Medicare bill records; Medicare provider records for a sample of persons treated as hospital patients (inpatient and outpatient) and skilled nursing facility patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0006

SYSTEM NAME:

Medicare Enrollment Records (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons enrolled for hospital or supplemental medical benefits under the Medicare program, including enrollees for whom the State has paid the premiums and enrollees who are members of direct dealing group practice prepayment plans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment characteristics of the beneficiaries; demographic characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the characteristics of persons enrolled in the Medicare program and established the basis for Medicare services utilization rates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) To the

Bureau of Census for use in processing research and statistical data directly related to the administration of Social Security programs.

(3) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(4) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee, of the Department in his or her official capacity; (b) the United

States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are accessible by claim number. Subfiles are indexed also by group practice pre-payment plan number or by State buy-in number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with guidelines in the Department ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for program research analysis.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write to the systems manager, who will require name of system, health insurance claim number, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, enrollment in Medicare health or supplemental medical participation in a direct dealing group practice prepayment plan, or payment of premium by State.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

(These access procedures are in accordance with Department Regulations (45 CFR Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7).)

RECORD SOURCE CATEGORIES:

Master beneficiary record; Medicare enrollment records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0008

SYSTEM NAME:

Supplementary Medical Sample Bill Summary File of Medicare Utilization [Statistics] HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA 6401 Security Boulevard, Baltimore, Maryland 21235

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A 5 percent sample of Medicare beneficiaries who have received any supplementary medical (Medicare) services January 1, 1975, or later.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physician and supplier billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the effectiveness of the Supplementary Medical Insurance Medicare benefit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department

or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(3) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual.

(b) For use in another research project, under these same conditions, and with written authorization of HCFA.

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by claim number.

SAFEGUARDS:

For computerized records, safeguards are established in accordance with guidelines in Department ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for purposes of program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics Health Care Financing Administration, Room 4228, HHS Building 330, Independence Avenue SW., Washington, D.C. 20201

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, date (month and year) on which supplementary medical services were received.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare claims submitted to carriers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0501

SYSTEM NAME:

Carrier Medicare Claims Records, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration (see Appendix C, Section 4.)

Federal Records Centers
Bureau of Quality Control
HCFA Office of Systems Analysis
6325 Security Boulevard
Baltimore, Maryland 21207
HHS Parklawn Computer Center
5600 Fishers Lane
Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries who have submitted claims for Supplementary Medical Insurance Benefits (Medicare Part B).

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for Payment; Provider billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier, Health Insurance Claim Form, Request for Medicare Payment, Patient's Request for Medicare Payment, Request for Medicare Payment—Ambulance, Explanation of benefits, Summary Payment Voucher, Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to beneficiaries and to physicians and other suppliers of Part B Medicare services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1842 and 1874 of title XVIII of the Social Security Act.

PURPOSE:

To properly pay medical insurance benefits to or on behalf of entitled beneficiaries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) Claimants, their authorized

representatives or representative payees to the extent necessary to pursue claims made under Title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of system activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to the Social Security Act programs, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organization in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of the title XVIII.

(11) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

D. Secures a written statement attesting to the information recipient's

understanding of and willingness to abide by these provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicaid eligibility considerations. Disclosures of physicians customary charge data are made to State audit agencies in order to ascertain the correctness of Title XIX charges and payments.

(15) In the event of litigation where the defendant is (a) the Department, any component of Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(16) Peer review groups, consisting of members of State, County, or local medical societies or medical care foundations (physicians), appointed by the medical society or foundation at the request of the carrier to assist in the resolution of questions of medical necessity, utilization of particular procedures or practices, or overutilization of services with respect to Medicare claims submitted to the carrier.

(17) Physicians and other suppliers of services who are attempting to validate individual items on which the amounts included in the annual Physician/Supplier Payment List or similar publications are based.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records maintained on paper, tape, disc, and punchcards.

RETRIEVABILITY:

System is indexed by health insurance claim number. The record is prepared by the beneficiary and is used by carriers to determine amount of Part B benefits. The bills are retained by the carriers. Copies of selected parts of the records will be used by the Office of Systems Analysis and data will be retrieved in Rockville from Baltimore via dial-up telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records area. Disclosure is limited. Physical safeguards related to the transmission and reception of data between Rockville and Baltimore are those requirements established by the Department ADP Systems Manual, Part 6, Chapter 32, "Remote ADP Work Stations."

RETENTION AND DISPOSAL:

Records are closed at the end of the calendar year in which paid, held two additional years, transferred to Federal Records Center and destroyed after another 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Md. 21207

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier, the Medicare Bureau Regional Office, or to the system manager named above. The individual should furnish his or her health insurance claim number and the name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (These access procedures are in

accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0502

SYSTEM NAME:

Health Insurance Master Record, HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6325 Security Blvd., Baltimore, Md. 21207
HHS Parklawn Computer Center, 5600 Fishers Lane, Rockville, Maryland 20857.
Federal Records Centers

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals age 65 or over who have been, or currently are, entitled to health insurance (Medicare) benefits under title XVIII of the Social Security Act; individuals under age 65 who have been, or currently are, entitled to such benefits on the basis of having been entitled for not less than 24 months to disability benefits under title II of the Act or under the Railroad Retirement Act, and individuals who have been; or currently are, entitled to such benefits because they have end-stage renal disease.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on enrollment, entitlement, Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1814 and 1833 of title XVIII of the Social Security Act.

PURPOSE(S):

To maintain information on Medicare beneficiary eligibility and costs in order to reply to inquiries from contractors and intermediaries and to maintain utilization data for health insurance bill and payment record processing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

Disclosure may be made to: (1) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

(2) Statement Welfare Department pursuant to agreements with the Department of Health and Human Services for determining Medicaid and Medicare eligibility, for quality control studies, for determining eligibility of recipients of assistance under titles IV, XVIII, and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(3) State audit agencies for auditing State Medicaid eligibility consultations.

(4) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII.

(5) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(6) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual.

(b) For use in another research project, under these same conditions, and with written authorization of HCFA.

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(7) In the event of litigation where the defendant is (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(8) To a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records maintained on paper, listings, microfilm, magnetic tape disc and punchcards.

RETRIEVABILITY:

System is in sequence by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dialup telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records areas. Disclosure is limited to routine use. For computerized records electronically transmitted between Central Office and field office locations (including Medicare contractors), systems securities are established in accordance with Department ADP Systems Manual, Part 6, "ADP Systems Security." Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

RETENTION AND DISPOSAL:

Records are generally added to the file several months prior to entitlement. After the death of a beneficiary, his or her records may be placed in an inactive file following a period of no billing or query activity. The current 5 years of Part B and current 5 spells of Part A utilization data are maintained. All noncurrent data is microfilmed prior to elimination from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Md. 21207

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier or intermediary, the Medicare Bureau Regional Office, or to the system manager named above. The individual should furnish his or her health insurance claim number and name as shown on Medicare records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures

above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7)).

RECORD SOURCE CATEGORIES:

The data contained in these records are furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual; the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0503

SYSTEM NAME:

Intermediary Medicare Claims Records, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Intermediaries under contract to the Health Care Financing Administration and the Social Security Administration (See Appendix C, Section 3.)

Federal Records Centers
Bureau of Quality Control, HCFA
Office of Systems Analysis
6325 Security Boulevard
Baltimore, Maryland 21207
HHS Parklawn Computer Center
5600 Fishers Lane
Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries on whose behalf providers have submitted claims for reimbursement on a reasonable cost basis under Medicare Parts A and B.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inpatient hospital and skilled Nursing Facility Admission and Billing; Provider Billing for Medical and Other Health Services; Inpatient Admission and Billing—Christian Science Sanatorium; Home Health Agency Report and Billing, and other documents used to support payments to beneficiaries and providers of services. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, medical record number, prior stay information, provider name and address, physician's name, date of admission and discharge, other health insurance, diagnoses, surgical procedures, and a statement of services rendered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1816 and 1874 of Title XVIII of the Social Security Act.

PURPOSE(S):

To process and pay Medicare benefits to or on behalf of eligible individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to:

(1) Claimants, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not as a matter of policy, provide it to the individual) or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of systems activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to Social Security Act programs, for representing the secretary, and for

investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organization in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act. (9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of title XVIII.

(11) An individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make not further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA.

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law:

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determination of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, for quality controls studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicaid eligibility considerations.

(15) In the event of litigation where the defendant is (a) the Department, any components of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purposes for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records maintained on paper forms, magnetic tape and microfilm.

RETRIEVABILITY:

The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to

providers by the intermediaries. The bill data are forwarded to the Health Care Financing Administration, Bureau of Support Services, Baltimore, Md., where they are used to update the central office records. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dialup telecommunications lines.

SAFEGUARDS:

Disclosure of records is limited. The file area is closed to unauthorized personnel. Physical safeguards related to the transmission and reception of the data between Rockville and Baltimore are those requirements established by the Department ADP Systems Manual, Part 6, Chapter 32, "Remote ADP Work Stations."

RETENTION AND DISPOSAL:

Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to the Federal Records Center and destroyed after another 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Md. 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for systems records should be addressed to the social security office nearest the requester's residence, the appropriate intermediary, the Medicare Bureau Regional Office, or to the system manager named above. The individual should furnish his or her health insurance number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be

contested. (These procedures are in accordance with Department Regulations (45 CFR, section 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0506

SYSTEM NAME:

Group Health Plan System HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6325 Security Boulevard, Baltimore, Maryland 21207

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Part A (Hospital Insurance) and Part B (supplementary medical) Medicare services.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information about a beneficiary's health insurance entitlement and supplementary medical benefits usage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1833(a)(1)(A), 1866 and 1876 of Title XVIII of the Social Security Act.

PURPOSE(S):

To maintain a master file of Group Health Plan members for accounting control; to expedite the exchange of data with the Group Health Plans; and to control the posting of pro-rata amounts to the Part B deductible of currently enrolled Group Health Plan members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly

affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(3) To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual,

(b) For use in another research project, under these same conditions, and with written authorization of HCFA,

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

(e) Secures a written statement attesting to the information recipient's understanding of a willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and paper listing.

RETRIEVABILITY:

The system is indexed by health insurance claim number.

SAFEGUARDS:

Only authorized personnel have direct access to information in the Group Health Plan system. In addition, Group Health Plan personnel are advised that information is confidential.

RETENTION AND DISPOSAL:

Health insurance materials used to support the accuracy of the charge per service billed by the plan are retained for 3 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration; Director, Bureau of Program Operations, 6325 Security Boulevard, Baltimore, Maryland 21207

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager named above and directed to the attention of the Group Health Plan Operations Staff. The individuals should furnish his or her health insurance claim number as shown on social security records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. [These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).)]

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. [These procedures are in accordance with Department Regulations (45 CFR, 5b.7).]

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained from the group health plans (which obtained the data from the individual concerned).

SYSTEMS EXEMPTED FROM CERTAIN

PROVISIONS OF THE ACT:

None.

Appendix C. Health Insurance Claims

Medicare records are maintained at the HCFA Central Office (see section 1 below for the address). Health insurance records of the Medicare program can also be accessed through a representative of the NCFA Regional Office (see section 2 below for addresses). Medicare claims records are also maintained by private insurance organizations who share in administering provisions of the health insurance program. These private insurance organizations, referred to as carriers and intermediaries, are under contract to the Health Care Financing Administration and the Social Security Administration to perform specific tasks in the Medicare program. See section 3 below for addresses for intermediaries and section 4 addresses for carriers.

1. Central Office Addresses:
Bureau of Program Operations, HCFA
6325 Security Boulevard
Baltimore, Maryland 21207
Office Hours: 8:15-4:45
Bureau of Support Services, HCFA
Office of Direct Reimbursement
Room 1705, Equitable Building
6325 Security Boulevard
Baltimore, Maryland 21207
Office Hours: 8:15-4:45

2. HCFA Regional Office Addresses:
BOSTON REGION—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

John F. Kennedy Federal Building
Room 1211
Boston, Massachusetts 02203
Office Hours: 8:30-5:00

NEW YORK REGION—New Jersey, New York, Puerto Rico, Virgin Islands
26 Federal Plaza—Room 715
New York, New York 10007
Office Hours: 8:30-5:00

PHILADELPHIA REGION—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
P.O. Box 8460
Philadelphia, Pennsylvania 19101
Office Hours: 8:30-5:00

ATLANTA REGION—Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee
101 Marietta Street
Suite 702
Atlanta, Georgia 30223
Office Hours: 8:00-4:30

CHICAGO REGION—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Suite A-824
Chicago, Illinois 60604
Office Hours: 8:15-4:45

DALLAS REGION—Arkansas, Louisiana, New Mexico, Oklahoma, Texas
1200 Main Tower Building
Dallas, Texas
Office Hours: 8:00-4:30

KANSAS CITY REGION—Iowa, Kansas, Missouri, Nebraska
New Federal Office Building
901 East 12th Street—Room 436
Kansas City, Missouri 64106
Office Hours: 8:00-4:45

DENVER REGION—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Federal Office Building
1961 Stout St.—Room 1185
Denver, Colorado 80294
Office Hours: 8:00-4:30

SAN FRANCISCO REGION—American Samoa, Arizona, California, Guam, Hawaii, Nevada

Federal Office Building
10 Van Ness Avenue
20th Floor
San Francisco, California 94102
Office Hours: 8:00-4:30

SEATTLE REGION—Alaska, Idaho, Oregon, Washington
1321 Second Avenue—Room 615
Mail Stop 211
Seattle, Washington 98101
Office Hours: 8:00-4:30

3. Intermediary Addresses (Hospital Insurance):

Medicare Coordinator
Blue Cross/Blue Shield of Alabama
930 South 20th Street
Birmingham, Alabama 35298

Medicare Coordinator
Blue Cross of Arizona, Inc.
P.O. Box 13466
321 West Indian School Road
Phoenix, Arizona 85002

Medicare Coordinator
Arkansas Blue Cross/Blue Shield
P.O. Box 1418
601 Gains Street
Little Rock, Arkansas 72203

Medicare Claim Administrator
Aetna Life & Casualty
2600 Wilshire Boulevard
Los Angeles, California 90057

Medicare Coordinator
Blue Cross of Southern California
P.O. Box 70000
Van Nuys, California 91470

Medicare Coordinator
Blue Cross of Northern California
1950 Franklin Street
Oakland, California 94659

Medicare Coordinator
Kaiser Foundation Health Plan, Inc.
1956 Webster Street, Room 310A
Oakland, California 94612

Aetna Life & Casualty
Medicare Claim Administration
97 San Marin Drive
Novato, California 94947

Medicare Coordinator
Colorado Hospital Service
700 Broadway
Denver, Colorado 80203

Medicare Administrator
Aetna Life & Casualty
151 Farmington Avenue
Hartford, Connecticut 06156

Medicare Coordinator
Connecticut Coordinator
370 Bassett Rd.
North Haven, Connecticut 06473

Administrator, Medicare Claims Office
Aetna Life & Casualty
P.O. Box 329
270 Farmington Avenue
Building 4, 2nd Floor

Farmington, Connecticut 06032
Medicare Administrator
Travelers Ins. Co.
One Tower Square
Hartford, Connecticut 06115
Connecticut General Life Ins. Co.
Medicare Claim Office
100 Barnes Road, North
Wallingford, Connecticut 06049

Triage, Inc.
719 Middle Street
Bristol, Connecticut 06019
Medicare Coordinator
Blue Cross/Blue Shield of Delaware
201 West 14th Street
Wilmington, Delaware 19801

Medicare Coordinator
Group Hospitalization, Inc.
550 12th Street, S.W.
Washington, D.C. 20024

Medicare Coordinator
Blue Cross of Florida, Inc.
P.O. Box 2711
Jacksonville, Florida 32203

Medicare Claim Administrator
Aetna Life & Casualty
The Taylor Building
121 North Osceola Avenue
Clearwater, Florida 33515

Medicare Coordinator
Blue Cross of Georgia/Columbus
P.O. Box 7368
2357 Warm Springs Rd.
Columbus, Georgia 31908

Medicare Coordinator
Blue Cross of Georgia/Atlanta
3348 Peachtree St., N.E.
P.O. Box 4445
Atlanta, Georgia 30326

Medicare Coordinator
Hawaii Medical Service Association
P.O. Box 860
1504 Kapiolani Boulevard
Honolulu, Hawaii 96808

Medicare Coordinator
Blue Cross of Idaho, Inc.
P.O. Box 7480
1501 Federal Way
Boise, Idaho 83707

Medicare Coordinator
Health Care Service Corp.
233 North Michigan Avenue
Chicago, Illinois 60601

Medicare Claims Administration
Aetna Life & Casualty
P.O. Box 1702
Peoria, Illinois 61603

Medicare Coordinator
Mutual Hospital Insurance, Inc.
120 West Market Street
Indianapolis, Indiana 46204

Medicare Coordinator
Blue Cross of Iowa
Ruan Building
636 Grant Avenue, Station 28
Des Moines, Iowa 50309

Medicare Coordinator
Blue Cross of Western Iowa and S. Dakota
Third and Pierce Street
Sioux City, Iowa 51102

Medicare Administrator
Kansas Hospital Service Association, Inc.

1133 Topeka Avenue, P.O. Box 239
Topeka, Kansas 66601

Medicare Coordinator
Blue Cross of Kentucky, Inc.
9901 Linn Station Road
Louisville, Kentucky 40223
Medicare Coordinator
Blue Cross of Louisiana
P.O. Box 15699
Baton Rouge, Louisiana 70815

Medicare Coordinator
Associated Hospital Service of Maine
100 Free Street
Portland, Maine 04101

Medicare Coordinator
Maryland Blue Cross, Inc.
700 East Joppa Road
Baltimore, Maryland 21204

Medicare Claims Admin.
Aetna Life & Casualty Co.
15 Midstate Drive
Auburn, Massachusetts 01501

Medicare Coordinator Part A
Blue Cross of Mass., Inc.
100 Summer Street
Boston, Massachusetts 02106

Medicare Coordinator
Blue Cross of Michigan
600 Lafayette East
Detroit, Michigan 48226

Medicare Coordinator
Blue Cross of Minnesota
3535 Blue Cross Road
St. Paul, Minnesota 55165

Medicare Coordinator
Blue Cross of Miss.
P.O. Box 1043
Jackson, Mississippi 39205

Medicare Coordinator
Blue Cross of Kansas City
P.O. Box 169
Kansas City, Missouri 64141

Medicare Coordinator
Blue Cross Hospital Service of Missouri
4444 Forest Park Boulevard
St. Louis, Missouri 63108

Medicare Coordinator
Blue Cross of Montana
P.O. Box 5004
Great Falls, Montana 59403

Medicare Coordinator
Mutual of Omaha Ins. Co.
Box 456 Downtown Station
Omaha, Nebraska 68101

Medicare Coordinator
Blue Cross of Nebraska
P.O. Box 3248
Main Post Office Station
Omaha, Nebraska 68103

Medicare Claims Administrator
Aetna Life & Casualty
P.O. Box 7290
Reno, Nevada 89510

Medicare Coordinator
New Hampshire Vermont Hospital Service
2 Pillsbury Street
Concord, New Hampshire 03301

Medicare Coordinator
Hospital Service Plan of New Jersey
33 Washington Street
Newark, New Jersey 07102

Medicare Coordinator
Prudential Ins. Co. of America
P.O. Box 5000
Millville, New Jersey 08332

Medicare Coordinator
New Mexico Blue Cross Inc.
12800 Indian School Rd., N.E.
Albuquerque, New Mexico 87112

Medicare Coordinator
Rochester Hospital Service Corp.
41 Chestnut Street
Rochester, New York 14604

Medicare Coordinator
Hospital Plan, Inc.
5 Hopper St.
Utica, New York 13501

Medicare Coordinator
Blue Cross of Western New York, Inc.
298 Main Street, Blue Cross Building
Buffalo, New York 14202

Medicare Coordinator
Blue Cross of Central New York, Inc.
344 South Warren Street
Syracuse, New York 13202

Hospital Service Corp. of Jefferson County
158 Stone Street
Watertown, New York 13602

Medicare Coordinator
B/C-B/S of Greater New York
622 Third Avenue
New York, New York 10017

Chautauqua Region Hospital Service Corp.
306 Spring Street
Jamestown, New York 14701

Medicare Coordinator
Blue Cross of N.E. New York, Inc.
P.O. Box 8850
Albany, New York 12208

Medicare Coordinator
North Carolina B/C-B/S
P.O. Box 3824
Durham, North Carolina 27702

Medicare Coordinator
Blue Cross of North Dakota
301 Eighth St. South
Fargo, North Dakota 58102

Associated Hospital Service, Inc.
2400 Market Street
Youngstown, Ohio 44507

Medicare Coordinator
B/C of N.W. Ohio
P.O. Box 943
Toledo, Ohio 43601

Medicare Coordinator
B/C of N.E. Ohio
2066 East Ninth Street
Cleveland, Ohio 44115

Medicare Coordinator
Hospital Care Corporation
1351 William Howard Taft Road
Cincinnati, Ohio 45206

Medicare Coordinator
Nationwide Mutual Insurance Co.
P.O. Box 1625
Columbus, Ohio 43216

Medicare Coordinator
B/C of Central Ohio
P.O. Box 16526
Columbus, Ohio 43216

Medicare Coordinator
Blue Cross of Oklahoma
1215 South Boulder

Tulsa, Oklahoma 74119

Medicare Coordinator
Northwest Hospital Service
P.O. Box 1271
Portland, Oregon 97207

Medicare Coordinator
Blue Cross of Greater Philadelphia
1333 Chestnut Street
Philadelphia, Pennsylvania 19107

Medicare Coordinator
Blue Cross of Western Pennsylvania
One Smithfield Street
Pittsburgh, Pennsylvania 15222

Medicare Coordinator
B/C of N.E. Pennsylvania
70 North Main Street
Wilkes Barre, Pennsylvania 18711

Medicare Coordinator
Hospital Service Plan of Lehigh Valley
1221 Hamilton Street
Allentown, Pennsylvania 18102

Medicare Coordinator
Capital Blue Cross
100 Pine Street
Harrisburg, Pennsylvania 17101

Aetna Life & Casualty
Medicare Claim Administrator
500 Office Center Building
P.O. Box 548
Fort Washington, Pennsylvania 19304

Cooperative de Seguros de Vida de Puerto Rico
G.P.O. Box 3428
San Juan, Puerto Rico 00938

Blue Cross of Rhode Island
444 Westminster Mall
Providence, Rhode Island 02901

Medicare Coordinator
Blue Cross of S.C.
Drawer F Forest Acres Branch
Columbia, South Carolina 29219

Medicare Coordinator
Memphis Hosp. Serv. and Surg. Assn.
85 Danny Thomas Blvd.
Memphis, Tennessee 38101

Medicare Coordinator
Blue Cross of Tennessee
801 Pine Street
Chattanooga, Tennessee 37402

Medicare Administrator
Aetna Life & Casualty
Union Square Building
2670 Union Avenue
Suite 606
Memphis, Tennessee 38112

Medicare Coordinator
Group Hospital Service, Inc.
P.O. Box 22146
Dallas, Texas 75222

Medicare Coordinator
B/C of Utah
P.O. Box 30289
Salt Lake City 84125

B/C-B/S of S.W. Virginia
P.O. Box 13047
3959 Electric Rd.
Roanoke, Virginia 24045

Medicare Coordinator
Blue Cross of Virginia
P.O. Box 27401
Richmond, Virginia 23281

Medicare Coordinator

B/C Washington/Alaska, Inc.
15700 Dayton Avenue, North
P.O. Box 327
Seattle, Washington 98111

Medicare Administration
Aetna Life and Casualty Co.
P.O. Box C25902
Seattle, Washington 98125

Medicare Coordinator
Parkersburg Hosp. Serv., Inc.
P.O. Box 1948
Parkersburg, West Virginia 26101

Medicare Coordinator
Blue Cross Hospital Service Inc.
Commerce Square, P.O. Box 1353
Charleston, West Virginia 25325

Medicare Coordinator
West Virginia Hospital Service, Inc.
20th and Chapline Streets
Wheeling, West Virginia 26003

Medicare Coordinator
Assoc. Hosp. Serv. Inc.
401 W. Michigan Street
Milwaukee, Wisconsin 53201

Medicare Coordinator
Hospital Service of Wyoming
4020 House Avenue
P.O. Box 2266
Cheyenne, Wyoming 82001

Health Care Financing Administration
Bureau of Program Operations
Group Health Plans
Operations Staff
6325 Security Boulevard
Baltimore, Maryland 21207

Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

4. Carrier Addresses (Supplementary Medical Insurance)

Medicare Coordinator
Blue Cross Blue Shield of Alabama
930 South 20th Street
Birmingham, Alabama 35205

Medicare Claim Administrator
Aetna Life & Casualty
3010 West Fairmont Avenue
Phoenix, Arizona 85017

Vice President for Medicare and Medical Services
Arkansas Blue Cross-Blue Shield
601 Games Street
Little Rock, Arkansas 72203

Medicare Coordinator
California Blue Shield
P.O. Box 7968
Rincon Annex
San Francisco, California 94120

Medicare Coordinator
Occidental Life Insurance Company of California
P.O. Box 54905 Terminal Annex
Los Angeles, California 90054

Assistant Vice President
Blue Shield of Colorado
700 Broadway
Denver, Colorado 80203

Medicare Administrator
Travelers Ins. Co.
One Tower Square
Hartford Connecticut 06115

Medicare Administrator

Aetna Life & Casualty
151 Farmington Avenue
Hartford, Connecticut 06115
Medicare Coordinator
Connecticut General Life Insurance
Company
200 Pratt Street
Meriden, Connecticut 06450
Medicare Coordinator
Blue Cross/Blue Shield of Delaware
201 West 14th Street
Wilmington, Delaware 19899
Medicare Coordinator
Medical Service of D.C.
550 12th Street, SW
Washington, D.C. 20024
Medicare Coordinator
Blue Cross of Florida, Inc.
P.O. Box 1798
Jacksonville, Florida 32201
Group Health, Inc.
1320 South Dixie Highway
Coral Gables, Florida 33146
Medicare Administrator
Prudential Insurance Company of America
P.O. Box 95466
57 Executive Park Station
Atlanta, Georgia 30347
Medicare Claim Administrator
Aetna Life & Casualty
120 Bishop Street, P.O. Box 3947
Honolulu, Hawaii 96812
Medicare
The Equitable Life Assurance Society
P.O. Box 8048, Hillcrest Plaza Shop
Boise, Idaho 83707
Continental Casualty Company
Medicare Benefits Division
P.O. Box 910
Chicago, Illinois 60690
Health Care Service Corporation
233 North Michigan Avenue
Chicago, Illinois 60601
Assistant Vice President Medicare Dept.
Blue Shield of Indiana
120 West Market Street
Indianapolis, Indiana 46204
Assistant Executive Director
Blue Shield of Iowa
Ruan Building, 636 Grand Avenue
Station 28
Des Moines, Iowa 50307
Medicare Administrator
Kansas Medical Association, Inc.
1133 Topeka Blvd., P.O. Box 239
Topeka, Kansas 66601
Manager
Metropolitan Life Insurance Co.
1218 Harrodsburg Road, Suite 300
Lexington, Kentucky 40504
Manager, Medicare Liaison
Pan American Life Insurance Co.
P.O. Box 60450
New Orleans, Louisiana 70160
Blue Shield of Massachusetts/Maine
Medicare Claims Office
477 Congress Street
Portland, Maine 04111
Medicare Coordinator
Maryland Blue Shield, Inc.
700 E. Joppa Road
Baltimore, Maryland 21204

Medicare Coordinator Part B
Massachusetts Blue Shield
100 Summer Street
Boston Massachusetts 02106
Asst. Vice Pres. Govern. Aff. Dept.
Michigan Medical Services
600 Lafayette East
Detroit, Michigan 48226
Blue Cross/Blue Shield of Minn.
3535 Blue Cross Road
St. Paul, Minnesota 55165
Vice President Government Programs
Blue Shield of Kansas City
P.O. Box 169
Kansas City, Missouri 64141
Director, Medicare Administration
General American Life Ins. Corp.
P.O. Box 505
St. Louis, Missouri 63066
Montana Physicians Service
404 Fuller Avenue
P.O. Box 2510
Helena, Montana 59601
Assistant Vice President
Health Insurance Benefits
Mutual of Omaha Insurance Co.
Box 456, Downtown Station
Omaha, Nebraska 68101
Medicare Claims Administrator
Aetna Life & Casualty
P.O. Box 7290
Reno, Nevada 89510
Medicare Coordinator
New Hampshire Vermont Phys. Serv.
2 Pillsbury St.
Concord, New Hampshire 03301
Medicare Coordinator
Prudential Insurance Co. of America
P.O. Box 471
Millville, New Jersey 08332
Medicare
The Equitable Life Assurance Society
P.O. Box 3070
Station D
Albuquerque, New Mexico 87110
Director of Medicare Part B
Blue Shield of Western New York, Inc.
298 Main Street
Buffalo, New York 14202
Medicare Coordinator
Group Health Insurance, Inc.
326 West 42nd Street
New York, New York 10036
Medicare Coordinator
Genesee Valley Medical Care, Inc.
42 Chestnut Street
Rochester, New York 14604
Medicare Coordinator
Blue Cross/Blue Shield of Greater N.Y.
622 Third Avenue
New York, New York 10017
Medicare Coordinator
The Equitable Life Assurance Society
1285 Avenue of the Americas
New York, New York 10019
Manager
Metropolitan Life Insurance Co.
P.O. Box 393
276 Genesee Street
Utica, New York 13503
Senior Vice President
Metropolitan Life Insurance Co.

One Madison Avenue
New York, New York 10010
Medicare Coordinator, B Division
Prudential Life Insurance Company
P.O. Box 2126
High Point, North Carolina 27261
Medicare Coordinator
Blue Shield of North Dakota
301 South Eight Street
Fargo, North Dakota 58102
Medicare System & Proc. Div.
Nationwide Insurance Company
P.O. Box 57
Columbus, Ohio 43216
Department of Institutions
Social & Rehabilitative Services
Box 25352 State Capital Station
Oklahoma City, Oklahoma 73125
Medicare Claims Admin.
Aetna Life & Casualty
Glenbrook Center, 1140 N.W. 63rd St.
Oklahoma City, Oklahoma 73116
Medicare Claim Admin.
Aetna Life & Casualty
1500 S.W. First Avenue
Crown Plaza
Portland, Oregon 97201
Medicare Coordinator
Pennsylvania Blue Shield
Blue Shield Building
Camp Hill, Pennsylvania 17011
Chief, Internal Operations
Seguros de Servicio de Salud de Puerto
Rico, Inc.
G.P.O. Box 3628
San Juan, Puerto Rico 00936
Medical Coordinator
R.I. Medical Society Physicians Serv.
444 Westminster Mall
Providence, Rhode Island 02901
Medicare Coordinator
Blue Cross/Blue Shield of S.C.
Drawer F Forest Acres Branch
Columbia, South Carolina 29206
Assistant Executive Director
South Dakota Medical Service, Inc.
1601 West Madison
Sioux Falls, South Dakota 57104
The Equitable Life Assurance Society
P.O. Box 1465
Nashville, Tennessee 37202
Offices Services
Group Medical & Surgical Service
P.O. Box 22147
Dallas, Texas 75222
Manager, Part B
Blue Shield of Utah
P.O. Box 3270
2455 Parleys Way
Salt Lake City, Utah 84125
Assistant Administrator
Washington Physicians Service
4th & Battery Building—6th Floor
2401 4th Avenue
Seattle, Washington 98121
Medicare Coordinator, Surgical Care
The Medical Society of Milwaukee County
401 West Michigan Street
Milwaukee, Wisconsin 53203
Director, Medicare Claims Dept.
Wisconsin Physicians Service
330 E. Lakeside Street, P.O. Box 1109

Madison, Wisconsin 53701
 Field Director
 Equitable Life Assurance Society
 P.O. Box 828
 102 Indian Hills Shopping Center
 Cheyenne, Wyoming 82001
 Health Care Financing Administration
 Bureau of Program Operations
 Group Health Plans Operations Staff
 6325 Security Blvd.
 Baltimore, Maryland 21207
 Director of Retirement Claims
 U.S. Railroad Retirement Board
 844 Rush Street
 Chicago, Illinois 60611

[FR Doc. 81-21182 Filed 7-17-81; 8:45 am]

BILLING CODE 4110-35-M

Public Health Service

National Institutes of Health; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of January 30, 1981 (46 FR 10016) by the Secretary of Health and Human Services to the Assistant Secretary for Health, the Assistant Secretary for Health has delegated to the Director, National Institutes of Health, with authority to redelegate, the following authorities under Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended, insofar as they apply to the functions assigned to the National Institutes of Health:

- Section 301 (42 U.S.C. 241) relative to research, investigation, and testing functions;
 - Section 307 (42 U.S.C. 242f) relative to international cooperation;
 - Section 308 (42 U.S.C. 242m) insofar as general provisions pertain to sections 307 and 309 as delegated to the Director, National Institutes of Health;
 - Section 309(f) (42 U.S.C. 242n(f)) insofar as it pertains to the functions assigned to the National Library of Medicine relative to the publication, dissemination, and availability of standards, norms, and criteria concerning the use of particular health care technologies;
 - Section 311 (42 U.S.C. 243) concerning Federal-State Cooperation;
 - Section 321 (42 U.S.C. 248) concerning hospitals;
 - Section 327 (42 U.S.C. 254) concerning interdepartmental work;
 - Section 327A (42 U.S.C. 254a) insofar as it pertains to the sharing of medical care facilities and resources under the jurisdiction of the Director, National Institutes of Health;
 - Section 352 (42 U.S.C. 263) relative to the preparation of biological products as specified in section 352 for the use of the Public Health Service and for the use of other Federal departments or agencies, and public or private agencies and individuals engaged in work in the field of medicine;
- Part J (42 U.S.C. 275-280a-1) concerning National Library of Medicine; and

Part J (42 U.S.C. 280b-280b-11) concerning assistance to medical libraries.

The above authorities do not include the authority to promulgate regulations.

The following delegations have been superseded: the April 1, 1977 delegation by the Assistant Secretary for Health (42 FR 19517) to the Director, National Institutes of Health, of authority under section 352 of the Public Health Service Act relative to biological products; the July 24, 1979 delegation by the Assistant Secretary for Health (44 FR 45759) to the Director, National Institutes of Health, of authority under section 301 of the Public Health Service Act relative to research, investigation, and testing functions; the September 24, 1980 delegation by the Assistant Secretary for Health (45 FR 65680) to the Director, National Institutes of Health, of authority under section 327A of the Public Health Service Act pertaining to the sharing of medical care facilities and resources under the jurisdiction of the Director, National Institutes of Health; the July 1, 1973 delegation by the Assistant Secretary for Health (38 FR 18261) to the Director, National Institutes of Health, insofar as it pertains to authorities under Title III of the Public Health Service Act; and the June 23, 1978 delegation by the Assistant Secretary for Health to the Director, National Institutes of Health, insofar as it pertains to authorities under Title III of the Public Health Service Act.

Provision has been made for previous delegations and redelegations made to other officials within the National Institutes of Health to continue for no longer than 90 days from the effective date of the delegation to the Director, National Institutes of Health, provided they are consistent with the delegation to the Director, National Institutes of Health.

The delegation to the Director, National Institutes of Health became effective on June 26, 1981.

Dated: June 26, 1981.

Edward N. Brandt, Jr.,
 Assistant Secretary for Health.

[FR Doc. 81-21081 Filed 7-17-81; 8:43 am]

BILLING CODE 4110-06-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-53]

Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an

Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: La Providencia Community, Toa Alta, Puerto Rico, and Coco Beach Development, Rio Grande, Puerto Rico. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the *Federal Register* a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the *Federal Register*, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., July 13, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

EIS on La Providencia Community, Toa Alta, Puerto Rico

The HUD Area Office in San Juan, Puerto Rico intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description. The project site is located on State Road No. 861, at Km. 4.0, Mucarabones and Pinas Wards, Toa Alta, Puerto Rico. Hilven La Providencia, Inc. is planning to develop La Providencia Community, which will be an urban community. The complete project consists of 353 cuerdas and 2,500 housing units. The initial project is 116.5 cuerdas from which approximately 102.61 cuerdas are to be allocated for residential use and 13.89 cuerdas for community services and facilities. One cuerda is equivalent to 0.97 acres. The initial project will be an urban community for approximately 853 families.

The proposed project may be assisted under the following Federal Program: 203(b), 235, and Section 8.

Need. An EIS is being prepared because the overall project exceeds the threshold level for EIS's established by HUD (500 for Toa Alta) and its Departmental Procedure for Protection and Enhancement of Environmental Quality (24 CFR Part 50). A copy of the Draft EIS when published will be in Spanish, and will be available for inspection at the Area Office.

Alternatives Perceived. Alternatives to be considered are: no project, accept project as proposed, accept project with conditions or modifications of project.

Scoping. Response to the Notice will assist in identifying data sources and significant environmental issues which the EIS should address.

Comments. Comments should be sent or delivered before August 20, 1981, to: Jose R. Febres-Silva, Area Manager, U.S. Department of Housing and Urban Development, U.S. Courthouse and Federal Building, Carlos Chardon Avenue, Room 428, Hato Rey, Puerto Rico 00918. Commercial Telephone Number (809) 753-4201. FTS 967-1221 ask operator for 753-4201.

EIS on Coco Lagoon Development, Rio Grande, Puerto Rico

The HUD Area Office in San Juan, Puerto Rico intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description. The project is located at Barrio Zarzal, municipality of Rio Grande, in the north-eastern coast of Puerto Rico. It is a flat coastal terrain in Punta Miquillo, bounded to the North by the Atlantic Ocean, to the East by Bahia Comezon, to the West by the Espiritu Santo River and to the South by private property which eventually bounds with State Road Number 3.

The project site consists of 838 cuerdas: 254 cuerdas will remain in its natural state and 584 cuerdas will be developed in residential, recreational, commercial and tourist facilities. (One cuerda is equivalent to 0.97 acres).

This residential-tourist complex will consist of 4,340 units: 15% for hotel use, 35% for condo-hotel and 50% for residential use, for a maximum density of ten (10) units per cuerda. The residential area will be provided with commercial facilities consisting of a school, cultural center, parks and a commercial area at the main entrance of the project site. A waste treatment plant will be one of the service facilities provided by the project. The tourist area will comprise hotels, condo-hotels, recreational and boating facilities.

Initial development, however, is only considering the construction of 285 single family residential units to be built on a 45.26 cuerdas area. This initial project will combine several structural alternatives: detached residential units, duplex and walk-up apartments. The proposed Federal action is to make available FHA mortgage insurance under Sections 203(b) and 235 and Section 8-Housing Assistance Payments Program for Lower Income Families.

Need. An EIS is being prepared because the overall project exceeds the threshold level for EIS's established by HUD (500 for Rio Grande) and its Departmental Procedure

for Protection and Enhancement of Environmental Quality (24 CFR Part 50).

Estimated date for the completion of the Draft EIS is September 14, 1981. A copy of the draft will be published in Spanish and will be available for inspection at the Area Office.

An EIS concerning this project was submitted to pertinent Commonwealth agencies in 1976. This EIS was reviewed and finally approved by the Commonwealth Government. The Puerto Rico Planning board issued two resolutions which enable the developer to construct on 584 cuerdas and requires him to leave in their natural state 254 cuerdas. The 45.26 cuerdas of the initial project have obtained site improvement and construction plan approvals from the Regulation and Permit Administration.

Alternatives Perceived. Alternatives to be considered are: no project, accept project as proposed, accept project with conditions or modifications of project.

Scoping. Response to the Notice will assist in identifying data sources and significant environmental issues which the EIS should address.

Comments. Comments must be mailed or delivered to HUD at the following address on or before August 20, 1981, to: Jose R. Febres-Silva, Area Manager, U.S. Department of Housing and Urban Development, U.S. Courthouse and Federal Building, Carlos Chardon Avenue, Room 428, Hato Rey, Puerto Rico 00918. Commercial Telephone Number (809) 753-4201. FTS 967-1221 ask operator for 753-4201.

[FR Doc. 81-21101 Filed 7-17-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-59]

Intended Environmental Impact Statement and Early Public Review for E.O. 11988 Floodplain Management

The Department of Housing and Urban Development gives notice that the City of Chicago, Illinois, intends to prepare an Environmental Impact Statement for the following project under HUD programs described in the appendix to this Notice: Lake Calumet Harbor Area Development and issue an Early Public Review for said project under Executive Order 11988 "Floodplain Management." This Notice and Early Public Review is required by the Council on Environmental Quality under its rules (40 CFR 1500) and E.O. 11988, of May 24, 1977.

Each Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the Federal Register, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. July 13, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

EIS on the Lake Calumet Harbor Area Development Project and Early Public Review for E.O. 11988 Floodplain Management

The City of Chicago, Illinois intends to prepare an Environmental Impact Statement on the project described below. It is simultaneously announcing this Notice for Early Public Review, in compliance with E.O. 11988 Floodplain Management for that same project. The City solicits information and comments for consideration in the EIS and for compliance with E.O. 11988.

Description. The primary short term goal of this project is to extend the roadway network and other basic city infrastructure to the existing industries in the Lake Calumet area. Currently the only road serving the east side of Lake Calumet is 122nd Street: a black-top road crossed at-grade by the mainline track of the Norfolk and Western RR. This limited roadway presents accessibility problems for existing industries and discourages new development, more importantly however are the potential safety problems associated with limited accessibility to these chemical industries in the event of an emergency.

The long range goal of the project is to stimulate future industrial development in this area thereby providing new jobs and tax revenues for the City of Chicago.

The project area is located on the southeast side of Chicago and lies entirely within the corporate limits of the City of Chicago. Until the 1920's this area was undisturbed wetland which formed part of the flood plain for old Lake Calumet. Between 1920 and 1930, man made flood controls which accompanied the construction of the Cal-Sag Canal made the site accessible for landfilling. Much of this area has since been used as landfill sites.

Longstanding factors which have deterred development within the Lake Calumet area are (1) its marshy condition, (2) the use of large sections of land for the disposal of industrial wastes and sanitary refuse, and (3) the lack of adequate roadways and utilities.

For the purpose of this DEIS a Primary Study Area and two Secondary Study areas have been defined.

The boundaries of the Primary Study Area are: 103rd Street on the North; Calumet Expressway on the West; 130th Street on the South; and Torrence Avenue on the East.

Two wetland areas immediately adjacent to the Primary Study Area will be included in this scope of work and studied at a comparable level of detail. These two areas, referred to as Secondary Study Areas, are depicted by the following site descriptions: Site 1: 95th Street on the North; Van Vliet Avenue on the East; Norfolk and Western RR ROW on the West; and 103rd Street on the South. Site 2: 130th Street on the North; Calumet River on the West; 133rd Street on the South; and Torrence Avenue on the East.

The Proposed Action has two major features. One is the suitable preparation of two large tracts of land for development; the other is the construction of four roadways to serve the area.

The tracts of land to be prepared for development include: 300 acres bounded by the Norfolk and Western Railroad tracks on the north (110th Street) and east (Yates Avenue), proposed 116th Street on the south, and proposed Stony Island Avenue on the west; 120 acres of land bounded by the proposed 116th Street on the north, Torrence Avenue on the east, 122nd Street on the south, and the Norfolk and Western Railroad tracks on the west.

Roadway construction included: The extension of Stony Island Avenue from 103rd Street to 122nd Street (4 thru lanes and 2 restricted parking lanes); 122nd Street from Torrence Avenue to Stony Island Avenue Extended (2 thru lanes and 2 restricted parking lanes); 116th Street from Torrence Avenue to Stony Island Avenue Extended (2 thru lanes and 2 restricted parking lanes); and 110th Street from Torrence Avenue to the Frontage Road of the Calumet Expressway (4 thru lanes and 2 restricted parking lanes).

The roadway improvements are proposed for funding under a Federal Highway Administration Federal-aid Urban System and/or as an Interstate Transfer Program.

Planning for the site preparation is proposed for partial funding under a Housing and Urban Development, Community Development Block Grant and/or Urban Development Action Grant.

Need. It has been determined by the City of Chicago, as the lead agency for the Lake Calumet Harbor Area Development Project, pursuant to Section 104(h) of Title I of the Housing and Community Development Act and applicable regulations (24 CFR Part 58, 33 CFR Parts 320-329, and 40 CFR Parts 1500-1508), that this Project and the issuance of a U.S. Army Corps of Engineers permit, as required under Section 404 of the Federal Water Pollution Control Act of 1972, in connection with this Project will constitute an action with the potential of significantly affecting the quality of the human environment. Accordingly, the City will prepare a Draft Environmental Impact Statement (DEIS) on the Project, in accordance with the National Environmental Policy Act of 1969.

The City of Chicago is preparing a DEIS on this Project for three primary reasons: (1) the installation of the proposed water and sewer lines exceeds the HUD EIS threshold; (2) there are potentially significant environmental issues associated with this action; and (3) there is considerable citizen interest both for and against this action.

Three additional impacts with the potential for being most significant are: (1) the elimination of wetland habitat that supports a large bird population; (2) the potential for encountering and having to dispose of hazardous or toxic wastes deposited during past fill activities; and (3) the potential flooding impacts resulting from the removal of a storm water retention wetland. Other impacts to be analyzed include air quality, water quality, socioeconomic, noise, land use and secondary impacts. The DEIS will also

include the development of measures that may be employed to mitigate or eliminate any potential adverse impacts.

Regulations promulgated under Executive Order 11988 require that the public be provided the opportunity for early review as soon as it is determined that a federally funded project is proposed to be located in a floodplain as defined by the aforesaid Executive Order. The Federal Emergency Management Agency has determined that this Project is planned for a floodplain as designated on the applicable Flood Hazard Boundary Map. Therefore, this announcement is intended to constitute notice as required under Executive Order 11988 of the public's opportunity for early review of the Project.

Alternatives Perceived. The DEIS will describe and analyze reasonable alternatives to the Proposed Action including different scales of development and the "no build" alternative. As information from the habitat evaluation becomes available the range of alternatives will be adjusted to reflect the study findings.

Scoping. This notice is part of the process for determining the scope of the issues to be addressed in the DEIS, for identifying data and significant environmental issues related to the Project, and for identifying cooperating agencies. To assist in this scoping process, a public scoping meeting will be held. All interested agencies, groups and persons are invited to attend and participate. This meeting will be held on Wednesday, September 2, 1981, at the Central Office Building, 320 North Clark Street, Room 507 and will begin at 7:00 pm.

Comments. All interested agencies, groups and persons who are unable to attend the public scoping meeting are invited to submit written comments with respect to the proposed scope of the EIS. The official scoping meeting record will be open to receive such comments for a period of 10 days following the scoping meeting.

Comments should be sent to Mary Gallery, Chicago Department of Public Works, Bureau of Transportation Planning and Programming, 320 North Clark Street, Room 411, Chicago, Illinois 60610. Telephone Number (312) 744-7740.

[FR Doc. 81-21100 Filed 7-17-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-60]

Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: Weber West Subdivision, Greeley, Colorado, and Walnut Hills Subdivision, Salt Lake County, Utah. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are

invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the Federal Register, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., July 13, 1981.

Francis G. Haas,
Deputy Director, Office of Environmental Quality.

Appendix

Environmental Impact Statement, Weber West Subdivision, Greeley, Colorado

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on Weber West Subdivision, described below and requests information and comments for consideration in the EIS.

Description. Approximately 804 dwelling units (single-family and multi-family) will be built in the west side of Greeley, Colorado, approximately 1/2 mile north of U.S. Highway 34 at 47th Avenue, at the northwest corner of 4th Street and 47th Avenue.

Need. An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives. The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Greeley, Colorado.

Comments. Comments should be forwarded within 21 days of publication of this Notice in the Federal Register to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street,

Denver, Colorado 80202, or call (303) 837-3103 (FTS) 327-3103.

Environmental Impact Statement, Walnut Hills Subdivision, Salt Lake County, Utah

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the Walnut Hills Subdivision, described below, and requests information and comments for consideration in the EIS.

Description. Approximately 4,000 dwelling units (single-family and multi-family) will be built in Salt Lake County, Utah, between 5600 West and State Highway 111, and 6200 South to 7000 South.

Need. An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives. The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or reject participation in the development.

Scoping. A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Salt Lake County, Utah.

Comments. Comments should be forwarded within 21 days of publication of this Notice in the Federal Register to: Mr. Carroll F. Goodwin, Area Environmental Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202, or call (303) 837-3103 (FTS) 327-3103.

[FR Doc. 81-21009 Filed 7-17-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Environmental Document Prepared for Proposed Oil and Gas Operations on the Atlantic Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Atlantic OCS.

SUMMARY: The USGS, in accordance with Federal regulations (40 CFR Section 1501.4 and Section 1506.8) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's), prepared by the USGS for the following oil and gas exploration activities proposed on the Atlantic OCS. This listing includes all proposals for which environmental documents were prepared by the Atlantic OCS Region in the 3-month period preceding this Notice.

Operator/activity and location	FONSI Date
Exxon/Exploration Plan, OCS Block 136 (110 miles E.S.E. of Nantucket Island, North Atlantic)	5-22-81
Mobil/Exploration Plan, OCS Block 544 (71 miles East of Atlantic City, N.J., Mid-Atlantic)	5-28-81
Mobil/Exploration Plan, OCS Blocks 143, 273 and 316 (136 miles E.S.E. of Nantucket Island, North Atlantic)	6-11-81
Tenneco/Exploration Plan, OCS Blocks 187 and 230 (137 miles E.S.E. of Nantucket Island, North Atlantic)	6-19-81

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on the Atlantic OCS are encouraged to contact the appropriate offices in the Atlantic OCS Region.

FOR FURTHER INFORMATION CONTACT:

Deputy Conservation Manager, Offshore Field Operations, Atlantic OCS Region, U.S. Geological Survey, 1725 K Street, NW., Suite 213, Washington, D.C. 20006, (202) 254-7870.

District Supervisor, North Atlantic District, Atlantic OCS Region, U.S. Geological Survey, Mary Dunn Road, Barnstable Municipal Airport/East Ramp, Hyannis Port, Massachusetts 02601, (617) 771-8506.

District Supervisor, Mid-Atlantic District, Atlantic OCS Region, U.S. Geological Survey, 26 South Pennsylvania Avenue, Atlantic City, New Jersey 08401, (609) 348-4700, FTS 8-483-4311.

FOR COPIES CONTACT: Records Management Section, U.S. Geological Survey, 1725 K Street, NW., Suite 213, Washington, D.C. 20006, (202) 634-6615.

SUPPLEMENTARY INFORMATION: The Conservation Division of the USGS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Atlantic OCS. The EA's examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental

documents required under the NEPA regulations.

Jack Willock,

Acting Regional Conservation Manager, Atlantic OCS Region.

[FR Doc. 81-21134 Filed 7-17-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 052, Block 126, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 13, 1981.

Lowell G. Hammons,
Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-21096 Filed 7-17-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0317, Block 47, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 13, 1981.

Lowell G. Hammons,
Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-21095 Filed 7-17-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Coeur d'Alene District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and CFR Part 1780, that the Coeur d'Alene District Advisory Council will meet Friday, Saturday, and Sunday, August 21-23, 1981.

The Coeur d'Alene Advisory Council members will convene at 2:00 p.m. at the Hammer Creek Recreation Site, 1/2 mile northwest of Whitebird, Idaho, for a meeting and resource management review of the lower Salmon River.

The agenda for the tour is as follows:

August 21, 1981

2:00 p.m.-2:30 p.m.—Public meeting at Hammer Creek Recreation Site
2:30 p.m.-3:00 p.m.—Public comment period
3:00 p.m.—Depart recreation site for river study tour

August 22, 1981

Within Salmon River corridor.

August 23, 1981

12:00 noon—Arrive Eagle Creek Recreation Site

The meeting and tour is open to the public. Anyone wishing to go on the tour must provide their own transportation. Interested persons may also make oral statements to the Council between 2:30 and 3:00 p.m., August 21, or file written statements for the Council's consideration. Anyone wishing to make an oral statement or attend the field tour must notify the Coeur d'Alene District Manager at 1808 North Third Street, Coeur d'Alene, Idaho 83814, by August 17.

The purpose of the meeting and field tour is to review existing resource use (cultural and recreational) and discuss future management opportunities along the lower Salmon River.

Summary minutes of the meeting will be maintained in the Coeur d'Alene District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 8, 1981.

Wayne Zinne,
Coeur d'Alene District Manager.
[FR Doc. 81-20700 Filed 7-17-81; 8:45 am]
BILLING CODE 4310-84-M

Colorado; Craig District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Craig District Grazing Advisory Board will be held on August 27 and 28, 1981. The meeting will convene at 10:00 a.m. on the 27th of August at the Upper Colorado Environmental Plant Center, 5538 County Road 4, Meeker, Colorado 81641.

The agenda for the meeting will include: (1) the status of the implementation of the White River Range program; (2) the status of the Kremmling Resource Management Plan; (3) status of the inventory in the Little Snake Resource Area; (4) status of range improvement projects being constructed in FY '81; (5) the expenditures of advisory board funds for range improvements; (6) discussion of the

Draft Rangeland Management Program Policy; (7) announcement of Craig District Grazing Advisory Board elections in the fall; (8) a review and discussion of Allotment Management Plans that have been written in accordance with the White River Grazing Environmental Impact Statement; and (9) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 10:00 and 11:00 a.m. on August 27, 1981, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81626, by August 21, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: July 10, 1981.

Lee Carie,
District Manager.

[FR Doc. 81-21098 Filed 7-17-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Decision Volume No. 429]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broader grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served

concurrently upon the carrier's representative, or carrier if no representative is named.

MC 26396 (Sub-353F), (republishing), filed April 1, 1980; published in the Federal Register issue of July 10, 1980; and republished this issue. Applicant: THE WAGGONERS TRUCKING P.O. Box 3135, Billings, MT 59107. Representative: Bradford E. Kistler, Box 82028, Lincoln, NE 68501. A Decision of the Commission, Review Board 1, acting as an appellate Division, decided April 9, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) fertilizer and fertilizer additives; and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Stoller Chemical Company, Inc., at or near (a) Fresno, CA; (b) Jerome, ID; (c) Brownfield and Houston, TX; (d) Fremont, NE; (e) Oswego, IL; (f) Dawson and Pelham, GA; (g) Estis, FL; (h) Ehrhardt and Jericho, SC; (i) Severn, NC; and (j) Tooele, UT, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); the applicant is fit, willing, and able properly to perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to correctly reflect the territorial description as granted.

MC 41136 (Sub-30), (republishing), filed January 14, 1981; published in the Federal Register issue of February 3, 1981; and republished this issue. Applicant: FLEET CARRIER CORPORATION, 525 South Boulevard East, Pontiac, MI 48053. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. A Decision of the Commission, Review Board 3, acting as an Appellate Division, decided June 2, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting transportation equipment, between points in Lehigh County, PA, and all United States ports on the Atlantic Ocean and the Gulf of Mexico, on the one hand, and, on the other, points in the United States; that the applicant is fit, willing, and able to properly perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect the territorial description as granted.

MC 109346 (Sub-9), (republishing), filed February 3, 1981; published in the Federal Register issue of February 26, 1981; and republished this issue. Applicant: J. L. COX & SON, INC. 777 Action St., Odessa, MO 64076. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. A Decision of the Commission, Review Board 1, acting as an Appellate Division, decided June 5, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment; (b) the completion of holes and wells drilled; (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells; and (2) pipe, pipeline machinery, equipment, materials and supplies incidental to and used in connection with the construction, operation, repair, servicing, maintenance or dismantling of pipelines, including the stringing and picking up thereof, between points in the United States; that the applicant is fit, willing and able properly to perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect the commodity description as granted.

MC 110817 (Sub-31F) (republishing), filed October 28, 1980; published in the Federal Register issue of November 11, 1980; and republished this issue. Applicant: E. L. FARMER & COMPANY (a corporation), P.O. Box 3512, Odessa, TX 76760. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701. A Decision of the Commission, Division 1, acting as an Appellate Division, decided May 27, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) machinery, equipment, materials and supplies used in or in connection with,

the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; (2) machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and (3) earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment; (b) the completion of holes and wells drilled; (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes and wells, between points in Indiana, Ohio, Michigan, Pennsylvania, West Virginia and Kentucky; that the applicant is fit, willing and able properly to perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect applicant's intent to tack.

MC 123407 (Sub-665) (republishing), filed February 9, 1981; published in the Federal Register issue of March 2, 1981; and republished this issue. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926-7575. A Decision of the Commission, Review Board 1, acting as an Appellate Division, decided June 3, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) flooring, floor covering and related products; and (2) commodities related to the manufacture, sale, or distribution of the commodities in (1), between points in Bartow County, GA, on the one hand, and, on the other, points in the United States; that the applicant is fit, willing and able properly to perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect the commodity description as granted.

MC 124236 (Sub-110F) (republishing), filed December 22, 1980; published in the

Federal Register issue of January 23, 1981; and republished this issue. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Sam Hallman, 4555 First National Bank Bldg., Dallas, TX 75202. A Decision of the Commission, Review Board 3, acting as an Appellate Division, decided May 19, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting *potash*, between points in Eddy and Lea Counties, NM, on the one hand, and, on the other, points in Beckham County, OK, and Brazos, Freestone, Panola, Gregg and Victoria Counties, TX; that the applicant is fit, willing and able to properly perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to reflect the territorial description as granted.

MC 143737 (Sub-2F) (republication), filed September 4, 1979; published in the Federal Register issue of March 27, 1980; and republished this issue. Applicant: WHITE TRANSFER & STORAGE CO., INC., Box 1355, Fort Dodge, IA 50501. Representative: Leo Crimmins (same address as applicant). A Decision of the Commission, Review Board 3, acting as an Appellate Division, decided March 30, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Dodge, IA, on the one hand, and, on the other, points in Webster, Pocahontas, Humboldt, Wright, Calhoun, Greene, Story and Hamilton Counties, IA, restricted to traffic having a prior or subsequent movement by rail; that the applicant is fit, willing and able to properly perform the granted service; and conform to statutory and administrative requirements.

Note.—The purpose of this republication is to eliminate the restriction imposed in the previous publication: "restricted to traffic originating at the named origins and destined to the indicated destinations."

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-21074 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-3-124]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 145765 (Sub-10) (republication), filed March 16, 1981, published in the Federal Register issue of April 9, 1981 and republished this issue. Applicant: WIEST TRUCKLINE, INC., RR #2, Jamestown, ND 58401. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. A decision of the Commission, Review Board Number 1, decided June 24, 1981, and served July 8, 1981, finds that the performance by applicant of the service as described herein will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, *over irregular routes*, transporting *metal products*, between Minneapolis, MN, on the one hand, and, on the other, points in IA, MN, MT, ND, SD, and WI; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-21073 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Notices Volume No. 16]

Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification

Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 146833 (Sub-2) (Republication), filed August 13, 1979, published in the Federal Register of February 28, 1980, and republished this issue: Applicant: C. E. COCHRAN, Rt. 3, Box 320, Jacksonville, AR. Representative: C. E. Cochran (same address as applicant). A decision of the Commission, Review Board 3, decided December 19, 1980, and served January 15, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, *over irregular routes*, as a *common carrier*, by motor vehicle, transporting *roofing building materials*, from points in Arkansas, to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas, and *materials and supplies* used in the manufacture of roofing building materials, from points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas, to points in Arkansas; that

applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

MC 148329 (Sub-2F) (Republication), filed January 14, 1980, published in the *Federal Register* issue of March 21, 1980, and republished this issue. Applicant: AOL EXPRESS, INC., 6441 C Street, Anchorage, AK 99502. Representative: Michael B. Crutcher, 2000 IBM Bldg., Seattle, WA 98101. An Order of the Commission, Review Board 2, decided January 12, 1981, and served March 19, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, in the transportation of general commodities (except classes A and B explosives), between points in the Anchorage, AK, commercial zone, restricted to traffic having prior or subsequent movement by water, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

Motor Carrier Intrastate Application(s)

Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-1507, filed June 30, 1981. Applicant: BLACK DIAMOND SERVICE, INC., 243 French Street, Buffalo, NY 14211. Certificate of Public Convenience and Necessity sought to operate a freight service, as

follows: Transportation of: General Commodities—Between Erie, Niagara, Genesee and Monroe Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-2381, filed June 30, 1981. Applicant: LIBERTY-MIDDLETOWN EXPRESS, INC., Box 630, Liberty, NY 12754. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Sullivan, Delaware, Orange, Ulster, Broome and Dutchess. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-4849, filed June 24, 1981. Applicant: KENNETH B. VAN LUVEN, d.b.a. WILLIAMS EXPRESS, Moose River Road, Box 11, Boonville, NY 13309. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in Oneida and Lewis Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9907, filed June 25, 1981. Applicant: JAMES F. VENDITTI, 427 Rosa Road, Schenectady, NY 12309. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between the City of Schenectady and all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY

12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. #1-23124 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Decision Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: July 14, 1981.

Service Date: July 14, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.2-percent. Accordingly, we are authorizing that the surcharge for this traffic remains at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.1-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 6.8-percent surcharge for the bus carriers, or the 2.1-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m., July 17, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

Appendix.—Fuel Surcharge

Base date and price per gallon (including tax)	
January 1, 1979	63.5¢
Date of current price measurement and price per gallon (including tax)	
July 13, 1981	131.8¢

	Transportation performed by—			
	Owner-operated ¹	Other ²	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9%	2.9%	6.3%	3.3%
Percent surcharge developed	18.2%	3.1%	6.8%	* 2.9%
Percent surcharge allowed	18.5%	3.1%	6.8%	* 2.1%

¹ Apply to all truckload rated traffic.² Including less-than-truckload traffic.

* The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

* The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-21131 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the *Federal Register*. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to

conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: June 25, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

MC-F-14655, filed June 23, 1981.
WARDCO, INC. (Wardco) (241 West 56th Avenue, Denver, CO 80216).—Control—RICHNER, INC. (Richner) (26344 Highway 160, P.O. Box 2133, Durango, CO 81301); and DON WARD, INC., d.b.a. DON WARD & COMPANY (Don Ward Inc.) (same address as Wardco)—Purchase—RICHNER, INC. Representative: J. Albert Sebald, 1700 Western Federal Savings Bldg., 718—17th Street, Denver, CO 80202. Wardco seeks authority to acquire control of Richner through the purchase by Wardco of all the issued and outstanding capital stock of Richner. Through the same transaction, Don

Ward Inc. (the sole stockholder of Wardco) will acquire all of the interstate operating rights of Richner. Don A. Ward, the majority stockholder of Don Ward Inc., seeks authority to acquire control of Richner's rights and properties through this transaction. Richner is authorized to operate as a motor common and contract carrier as follows: MC-139458: (A) over regular routes, *soda ash*, (a) from the site of the Westvaco plant near Green River, WY, to the plant site of the Vanadium Corporation of America at Durango, CO, serving no intermediate points, over specified routes; and (b) from the site of the Westvaco plant near Green River, WY, to the plant site of the Vanadium Corporation of America at Naturita, CO, serving no intermediate points, over specified routes; and (B) over irregular routes, (1) *uranium and vanadium ores*, in bulk, from points within 175 miles of Monticello, UT, to Naturita and Durango, CO; (2) *mining supplies and equipment*, excluding classes A and B explosives, between points within 175 miles of Monticello, UT, on the one hand, and, on the other, Durango and Naturita, CO; (3) *soda ash*, from the site of the Westvaco plant near Green River, WY, to Shiprock, NM, and Moab and Monticello, UT, and points within 5 miles of each; (4) *soda ash*, in bags, from the site of the Westvaco Chemical Company plant near Green River, WY, to Uravan, CO; (5) *soda ash*, in bulk, from the site of the Westvaco Chemical Company plant near Green River, WY, to Grand Junction, Uravan, and Gunnison, CO, the site of Phillips Petroleum and Chemical Company plant about 24 miles northwest of Grants, NM, and the site of the Homestake of New Mexico Partners plant near Grants, NM; (6) *soda ash*, in bulk, in tank-type vehicles, from Thompson and Crescent Junction, UT, and Grand Junction, CO, to Uravan, CO, and to the plant site of the Vanadium Corporation of America, at or near Durango, CO, with restrictions; (7) *ore concentrates*, in containers, from points in McKinley and Valencia Counties, NM within 30 miles of Grants, NM, to the site of the plant of the Atomic Energy Commission located approximately 4 miles from Grand Junction, CO; (8) *sulphuric acid*, in bulk, in tank vehicles, (a) from Garfield, UT, to Naturita and Durango, CO, (b) from Garfield, UT, to Uravan, CO, (c) from Garfield, UT, to points in San Juan County, NM, (d) from Thompson, UT, to Durango, Naturita, and Uravan, CO, and Shiprock, NM, (e) from Rico, CO, to Shiprock, NM, (f) from Garfield, UT, to Maybell, CO; (g) from Garfield and Thompson, UT, to Slick Rock, CO, (h)

from Rico, CO, to Monticello, UT, (i) from points within 25 miles of Grants, NM (not including Grants), to points in CO west of the Continental Divide, and (j) from Grand Junction, CO, to Uravan, CO; (9) *vanadium liquor*, in bulk, in tank vehicles, between points in McKinley and Valencia Counties, NM, on the one hand, and, on the other, Salt Lake City, UT, and points in La Plata, Mesa, and Montrose Counties, CO; (10) *vanadium liquor*, in bulk, from the facilities of United Nuclear Homestake Partners near Grants, NM, to points in Garfield County, CO; (11) *cement admixes*, in bulk and in bags, from points in Santa Barbara County, CA, to points in San Juan County, UT, Apache and Navajo Counties, AZ, San Juan and Rio Arriba Counties, NM, and Montezuma, La Plata, Archuleta, and Dolores Counties, CO; (12) *gypsum board and gypsum plaster* (other than points and joint cement compound), restricted to a prior movement by railroad, from Albuquerque, NM, to points in San Juan County, UT, Apache and Navajo Counties, AZ, San Juan and Rio Arriba Counties, NM, and Montezuma, La Plata, Archuleta, and Dolores Counties, CO; (13) *pumice block*, from Albuquerque, NM, to points in San Juan County, UT, Apache and Navajo Counties, AZ, and Montezuma, La Plata, Archuleta, and Dolores Counties, CO; (14) *clay products*, (a) from Denver and Pueblo, CO, to points in San Juan County, UT, Apache and Navajo Counties, AZ, and San Juan and Rio Arriba Counties, NM, and (b) from Albuquerque, NM, to points in San Juan County, UT, Apache and Navajo Counties, AZ, and Montezuma, La Plata, Archuleta, and Dolores Counties, CO; and (15) *pumice products, concrete products, and clay products*, from points in Bernalillo County, NM, to points in Alamosa, Archuleta, Chaffee, and La Plata Counties, CO, and points in Navajo and Apache Counties, AZ, north of U.S. Hwy 66, except those within 5 miles of said highway. MC-139458 (Sub-No. 3): over irregular routes, transporting *coal*, in bulk, from the facilities of Arness-McGriffin Coal Company, at or near Durango, CO, to points in Rio Grande County, CO, restricted to the transportation of traffic having a subsequent movement by rail. MC-144998 (Sub-No. 1): over irregular routes, transporting *salt* (except in bulk), *fertilizer*, and *animal feed*, (a) from points in AZ, ID, KS, NM, TX, UT, and WY, to the facilities of Basin Co-op, Inc., in La Plata County, CO; and (b) from the facilities of Basin Co-op, Inc., in La Plata County, CO, to points in UT and NM, under continuing contracts with Basin

Co-op, Inc., of Durango, CO. Wardco holds no carrier authority. Don Ward, Inc., holds extensive authority under Docket No. MC-111434 and sub-numbers thereunder.

Note.—Application for TA has been filed.

MC-F-14658, filed June 30, 1981.

Applicant: LIQUID BULK SERVICES, INC. (Liquid Bulk) (100 North Waukegan Road, P.O. Box 1000, Lake Bluff, IL 60044)—Control—ROLAND'S TRANSPORTATION SERVICES, INC. (Roland's) (9525 South 60th Street, Franklin, WI 53122). Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th Street, NW, Washington, D.C. 20004. Liquid Bulk seeks authority to acquire control of Roland's through the purchase by Liquid Bulk of all the issued and outstanding capital stock of Roland's. Charles J. O'Brien and Richard T. Lewis are the persons in control of Liquid Bulk through stock ownership and management, and they seek authority to acquire control of Roland's through this transaction. Liquid Bulk is a non-carrier holding company. It controls Quality Carriers, Inc., a motor common carrier with authority under MC-110420 authorizing the transportation of specific commodities including commodities in bulk, between numerous points throughout the continental United States. Quality owns all the issued and outstanding stock of Beaver Transport Co., a motor common carrier holding authority in MC-119767 covering the transportation of specified commodities, generally those requiring temperature control equipment, between points in 13 midwestern States. Quality also owns all the issued and outstanding stock of Bulk Transport Co., a motor common carrier holding authority in MC-112893 with its operations being confined to the transportation of petroleum and petroleum products, in bulk, in WI, IL, IN, IA, MN, and MI. Roland's is a motor contract carrier holding authority in MC-138512 and sub-numbers thereunder, which authorize the transportation of specified commodities, generally those related to the food industry, under contracts with L. D. Schreiber; Grocery Products Group of Heublein, Inc.; Bausback Corporation; Sargento Cheese Company, Inc.; Landers and Sowers, Inc.; Swiss Colony, Inc.; Topoc Associates, Inc.; American Home Foods, a division of American Home Products Corporation; and Badger State Tanning Corporation. Condition: So far as can be ascertained from the evidence of record in this proceeding, Liquid Bulk Services, Inc., is a non-carrier with its investments and functions primarily related to transportation. Accordingly,

concurrently with consummation of the transaction authorized in this proceeding, Liquid Bulk Services, Inc., will be considered a motor carrier within the meaning of 49 U.S.C. 11348. It will, therefore, be subject to the applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities.

Note.—Application for TA has been filed.

MC-F-14648, filed June 9, 1981.

ARROW COACH LINES, INC. (Arrow) 2715 West 10th Street, Little Rock, AR 72204—Purchase (Portion) TRAILWAYS, INC. (Trailways), MIDWEST BUS LINES, INC. (Midwest), and TRAILWAYS SOUTHERN LINES, INC. (Southern) (all 1500 Jackson Street, Dallas, TX 75201). Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Avenue, Fort Smith, AR 72902 and George W. Hanthorn, 1500 Jackson Street, Dallas, TX 75201. Arrow, a motor common carrier of passengers holding regular-route and charter authority in the States of Arkansas, Louisiana, and Mississippi, seeks to acquire the following authority to transport, over regular routes, passengers and their baggage, and express and newspapers, in the same vehicle with passengers, (from Trailways): (a) between Fort Smith and Hot Springs, AR over U.S. Hwys 71 and 270, serving all intermediate points and (b) between Hot Springs, AR and Texarkana, TX over U.S. Hwy 70, Arkansas Hwy 27 and U.S. Hwy 71, serving all intermediate points; (from Midwest): (a) between Little Rock, AR, and McGehee, AR, over U.S. Hwy 65, serving all intermediate points (b) between McGehee, AR and Monroe, LA over U.S. Hwy 165, serving all intermediate points and (c) between McGehee, AR and the junction of U.S. Hwy 165 and 65, over U.S. Hwy 65, serving all intermediate points; (d) between Lake Village, AR and junction U.S. Hwy 65 and 82, about five miles south of Lake Village, serving all intermediate points and (e) between Demott, AR and junction of U.S. Hwys No. 5 and 65, over U.S. Hwys 35 and 165, serving all intermediate points; (from Southern): (a) between Monroe, LA and Crossett, AR over U.S. Hwy 165, Louisiana Hwy 5204 and c-1490, and Arkansas Hwy 133, serving all intermediate points; (b) between Pine Bluff, AR and Hamburg, AR over U.S. Hwy 65 and Arkansas Hwy 81 between Texarkana, AR and Starkville, MS over U.S. Hwy 82, serving the intermediate and off-route points of Montrose, Lake

Village, Leland and Ashton, AR, and Greenville, MS and intermediate points between Montrose and Texarkana, AR; and (d) between Montrose, AR and Greenville, MS, over U.S. Hwy 82, serving all intermediate points. By the same application Catharine M. Lienhart and Henry A. Lienhart, who control Arrow, seeks authority to acquire control of the rights and property through the transaction.

Note.—Vendors hold incidental special and charter authority for a portion of the above operating rights pursuant to 49 U.S.C. 10932(c) which will also be transferred in this transaction.

[FR Doc. 81-23125 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 121]

Motor Carriers; Restrictions Removals Decision-Notice

Decided: July 14, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich

Secretary.

MC 11722 (Sub-80)X, filed June 22, 1981. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah,

WA 98953. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Applicant seeks to remove restrictions in its lead and Sub-Nos. 33, 34, 39, 55, 56, 62F, 65F, 72F, 73F, 75, and 77 certificates to (1) broaden the commodity description in the lead to "lumber and wood products" from box shooks, to "food and related products" from fresh fruits, to "clay, concrete, glass or stone products" from brick and tile and to "farm products" from livestock, including livestock for exhibition purposes; to "food and related products" from hop extract in Sub-No. 33, from hides, green or salted in Sub-No. 34, from sugar in Sub-No. 39, from liquid sweetener in Sub-No. 73F, and from evaporated milk canned in Sub-No. 75; in Sub 55 to "textile mill products" from coir yarn, hop cloth and sisal, to "metal products" from steel wire, and to "pulp, paper and related products" from paper twine; in Sub 56 to "food and related products" from carbonated beverages, to "metal products, pulp, paper and related products, clay, concrete, glass or stone products and rubber and plastic products" from empty bottles and cans; in Sub 62F to "metal products, pulp, paper and related products, clay, concrete, glass or stone products, lumber and wood products, textile mill products and rubber and plastic products" from containers, container closures and container components in part (1); in Sub 65F to "metal products" from aluminum plate and aluminum sheet in part (1), and to "chemicals and related products" from fertilizers and agricultural chemicals in part (2); in Sub 72F to "pulp, paper and related products and materials, equipment and supplies used in their manufacture, sales and distribution" from paper and paper products and equipment, materials and supplies used in the manufacture, sales and distribution of paper and paper products and to "rubber and plastic products" from polyethylene bags; (2) change city to county-wide authority: Umatilla County, OR for Pendleton, Milton and Hermiston, OR, Multnomah County, OR for Portland, OR, Marion County, OR for Salem and Silverton, OR, Washington County, OR for Hillsboro, OR, Union County, OR for La Grande, OR, and Baker County, OR for Baker, OR in the lead; King County, WA for Seattle, WA, Yakima County, WA for Yakima, WA, Pierce County, WA for Tacoma, WA and Multnomah County, OR for Portland, OR in Sub 33; Yakima County, WA for Union Gap, WA, King County, WA for Seattle, WA, Pierce County, WA for Tacoma, WA and Multnomah County, OR for Portland, OR

in Sub 34; Yakima County, WA for Toppenish and Sunnyside, WA, and Grant County, WA for Moses Lake, WA in Sub 39; King County, WA for Seattle, WA, Pierce County, WA for Tacoma, WA and Multnomah County, OR for Portland, OR in Sub-No. 55; Yakima County, WA for Harrah, WA, Missoula County, MT for Missoula, MT, Jefferson County, MT for Butte, MT, Cascade County, MT for Great Falls, MT and Nez Perce County, ID for Lewiston, ID in Sub-No. 73; Twin Falls County, ID for Buhl, ID in Sub-No. 75; and King County, WA for Kent, WA in Sub-No. 77, (3) remove facilities limitation (a) in Sub-No. 56 and replace Yakima, WA and Yakima County, WA, and (b) in Sub-No. 65 and replace Fentwood, WA with Spokane County, WA, (4) remove the in bulk, in tank vehicle restrictions in Sub-Nos. 39, 62, and 72; (5) broaden the ports of entry at Seattle and Tacoma, WA and Portland, OR to ports of entry in WA and OR in Sub-No. 55, (6) remove the restriction against traffic originating in OK and TX in Sub-No. 72 (7) remove the restriction to a prior or subsequent movement by water in Sub-Nos. 33, 34, and 55 (8) change one-way to radial authority, and (9) remove seasonal limitation on transportation of fresh fruit in the lead.

MC 52460 (Sub-334)X, filed June 29, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. Applicant seeks to remove restrictions in its Sub-Nos. 39, 48, 49, 52, 57, 63, 74, 75, 79, 82, 85, 89, 93, 95, 96, 106, 107, 125, 126, 135, 156, 167, 186, 190, 195, 197, 226F, 228F, 229F, 248F, 250F, 265F, 267F, 268F, 273F, 276F, and 289F certificates to (1) broaden the commodity description(s) from caustic soda, benzene, toluene, xylene, petroleum naphtha, anhydrous hydrazine, unsymmetrical dimethylhydrazine, creosote, ammonium nitrate, urea, fertilizer materials, fertilizer ingredients, anhydrous ammonia, ammonium nitrate, nitric acid, sulfuric acid, dry chemicals, printing ink, coal tar products, zinc oxide, and fertilizer compounds and/or solutions to "chemicals and related products" in Nos. 39, 48, 49, 52, 57, 63, 74, 75, 79, 82, 85, 89, 93, 95, 96, 106, 107, 125, 126, 135, 156, 167, 190, 226, 250, 265, 276, and 289; from paper, paper products to "pulp, paper and related products" in Nos. 186, 195, 197, 228, 248, 265, 268, 273, and 276; from plastic bags, plastic film, plastic straws, plastic materials and plastic articles, to "rubber and plastic products" in Nos. 229, 265, 267, and 276; and from insulation to "building and

construction materials" in No. 289; (2) eliminate the facilities limitations in Sub-Nos. 79, 82, 186, 268 and 276; replace specific point or facilities authority with county-wide authority as follows: Pine Bluff with Jefferson County, AR in Sub-No. 39; Pine Bluff, AR, and Mt. Pleasant and Wichita Falls, TX with Jefferson County, AR and Titus and Wichita Counties, TX in Sub-No. 48; Potwin with Butler County, KS in Sub-No. 49; Lake Charles, LA, Saltville, VA, Nimbus and Santa Susuana, CA with Calcasieu Parish, LA, Smyth County, VA, and Sacramento and Ventura Counties, CA in Sub-No. 52; Potwin, KS and Alton, East Alton, and Godfrey, IL with Butler County, KS and Madison County, IL in Sub-No. 57; Granite City, IL and Crickett, AR with Madison County, IL and Boone County, AR in Sub-No. 63; South River, MO with Marion County, MO in Sub-No. 74 and Sub-No. 75; Meredosia with Morgan County, IL in Sub-No. 85; Dodge City with Ford County, KS in Sub-No. 89; Fort Madison with Lee County, IA in Sub-No. 93; South River with Marion County, MO in Sub-No. 95; Borger with Hutchinson County, TX, Conway with McPherson County, KS and Greenwood, Whiting, Early and Graner with Monona, Sac and Dallas Counties, IA in Sub-No. 96; Military with Cherokee County, KS and Port of Catoosa with Rogers County, OK in Sub-No. 160; Tulsa with Tulsa County, OK in Sub-No. 107; Enid with Garfield County, OK in Sub-No. 125; Stroud with Lincoln County, OK in Sub-No. 126; Clay Center with Clay County, KS in Sub-No. 135; Ladora with Adams County, CO and Anniston with Calhoun County, AL in Sub-No. 156; Verdigris with Rogers County, OK in Sub-No. 167; Woodward with Woodward County, OK in Sub-No. 190; Muskogee with Muskogee County, OK in Sub-No. 195; Mobile and Moss Point with Mobile County, AL in Sub-No. 197; Friend with Finney County, KS in Sub-No. 226; Tifton and Savannah with Tift and Chatham Counties, GA in Sub-No. 228; Cartersville with Bartow County, GA in Sub-No. 229; Courtland with Lawrence County, AL in Sub-No. 248; Hoag with Gage County, NE in Sub-No. 250; Muskogee, OK, with Muskogee County, OK, in Sub-No. 287; and Neelys Landing with Cape Girardeau County, MO in Sub-No. 273; (3) change one-way to radial authority between numerous points throughout the U.S.; (4) remove the following restrictions limiting service to commodities "in bulk, in tank vehicles" in Sub-Nos. 39, 48, 49, 52, 57, 63, 75, 79, 82, 85, 89, 93, 95, 96, 107, 125, 135, 156, 167, 226, and 250, and against transportation of commodities "in bulk" in Sub-Nos. 186, 195, 197, 228, 248, 250,

265, 267, 268, and 276; "size or weight" in Sub-No. 267; "mixed loads and in bags" in Sub-No. 160; AK and HI in Sub-Nos. 107, 126, 186, and 265 and originating at and destined to restrictions in Sub-Nos. 85, 89, 93, 95, 96, 125, 126, 186, 195, and 276.

MC 56409 (Sub-17)X, filed June 24, 1981. Applicant: MAJOR TRANSPORT, INC., P.O. Box 204, Palmyra, WI 53156. Representative: David V. Purcell, 1330 Marine Plaza, 111 East Wisconsin Ave., Milwaukee, WI 53202. Applicant seeks to remove restrictions from its Sub-Nos. 14F and 15F certificates to (1) remove a facilities limitations at Chicago in Sub-No. 14F, (2) change city to county-wide authority from Joliet, Waukegan and Wilmington, IL to Will and Lake Counties, IL in Sub-No. 15, (3) change one-way to radial authority, and (4) remove the originating at and destined to restriction in Sub-No. 15.

MC 69833 (Sub-164)X, filed June 30, 1981. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., NW-6th Floor, Grand Rapids, MI 49503. Representative: Harry Pohlad (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 159 and 160 certificates to broaden the commodity description from General Commodities (with exceptions) to "General Commodities (except Classes A and B explosives)."

MC 78684 (Sub-4)X, filed July 6, 1981. Applicant: CENTRAL IND-ILL TRUCKING, INC., P.O. Box 67, Rochester, IN 46075. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions from (a) fertilizer to "chemicals and related products"; (b) fencing, agricultural limestone and binder twine to "metal products, clay, concrete, glass, or stone products"; (c) roofing to "building materials"; (d) farm supplies and equipment to "farm products"; (e) lumber to "lumber and wood products"; (f) livestock and emigrant movables to "farm products"; (g) livestock, feed, agricultural commodities, lumber, and wood to "farm products, and lumber and wood products"; (h) limestone and gravel to "clay, concrete, glass or stone products"; (i) farm machinery to "machinery"; (2) broaden cities to counties: (a) Joliet, IL, to Will County, IL; (b) Kankakee, IL, to Kankakee County, IL; (c) Wilmington and Danville, IL, to Will and Vermillion Counties, IL; (d) Kankakee and Chicago, IL, to Kankakee and Cook Counties, IL; and (3) authorized radial service in lieu of existing one-way authority between

the counties named above and named points in IN and IL.

MC 95876 (Sub-403)X, filed June 25, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its MC-139468F and Sub-Nos. 3, 4, 6F, 11, 12F, 16, 19, 22, 24, 25, 28F, and 29F permits (acquired in MC-F-14273F) to (A) broaden the commodity descriptions to (1) "metal products, building materials, construction materials, and machinery and related materials, equipment and supplies" from metal buildings, parts for metal buildings, pipe, buildings, building sections, building panels, parts and accessories, pre-fabricated structural components and panels, windows and window frames, door and doorframes, iron and steel sheeting coil, and materials, machinery, equipment and supplies used in the manufacture, storage, distribution and installation of such commodities, in MC-139468F and Sub-Nos. 3, 4, 6F, 11, 12F, 19, 22, 28F and 29F, and (2) "lumber and wood products" from lumber, in Sub-Nos. 16, 24, and 25; (B) eliminate the facilities restrictions, in Sub-Nos. 4, 11, 12F, 16, 22, 24, 25, 28F and 29F; (C) eliminate the restriction prohibiting the transportation of commodities in bulk and/or in tank vehicles, in Sub-Nos. 19 and 22; (D) eliminate the restriction prohibiting service to AK and HI, in Sub-No. 19; and (E) broaden the territorial authority to between points in the U.S., under continuing contract(s) with named shippers, in all permits.

MC 103993 (Sub-1078)X, filed June 29, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda and Kenneth M. Hays (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 944F, 946F and 947F certificates to (1) broaden the commodity description from cast iron pipe, fittings, and accessories to "metal products" in Sub-No. 944F; (2) eliminate the facilities limitations in Sub-Nos. 944F, 946F and 947F; (3) expand city to county-wide authority from Birmingham to Jefferson County, AL, in Sub-No. 944F; and (4) change one-way to radial authority in all Sub-Nos.

MC 103993 (Sub-1079)X, filed July 2, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda and/or Kenneth M. Hays (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 963 certificate by broadening the commodity

description from "portable gasifiers" to "machinery"; and by eliminating the "AK and HI" exceptions from its nationwide authority.

MC 104523 (Sub-84)X, filed June 25, 1981. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions from its Sub-Nos. 1, 33, 36, 37, 38, 39, 41, 43, 44, 52, and 68 certificates to (A) broaden the commodity description from salt (Sub-No. 1), salt and salt compounds (Sub-No. 1), pepper, in packages, in mixed shipments with salt and salt compounds (Sub-No. 1), rejected shipments of salt (Sub-No. 1), salt and salt products (Sub-Nos. 41, 44), mineral mixtures (Sub-Nos. 1, 55), prepared animal and poultry feeds (Sub-Nos. 1, 52), mineral and high protein meal mixtures for livestock (Sub-No. 36), livestock and poultry feeds and rejected shipments of all related authorized commodities (Sub-No. 1), edible grain products (Sub-No. 52), dry animal and poultry feeds (Sub-Nos. 1, 33, 37, 38, 43, 55), dry earth paint (Sub-No. 1), mineral feed (Sub-No. 1), meat scrap, tankages, blood, alfalfa, alfalfa meat, grain and grain products (Sub-No. 1), dry animal and poultry mineral feed mixtures (Sub-Nos. 1, 33, 37, 38, 43), and dry ingredients used in animal and poultry feeds (Sub-No. 1), to "food and related products, chemicals and related products, and ores and minerals"; from insecticides (Sub-Nos. 1, 33, 37, 38, 43), insecticides (other than agricultural) (Sub-No. 55), tonics and medicines (Sub-No. 1), animal and poultry tonics (Sub-No. 55), animal and poultry antibiotics (Sub-No. 68), to "chemicals and related products, and ores and minerals"; livestock and poultry feeders (Sub-Nos. 37, 38, 43), livestock and poultry feeders and equipment (Sub-No. 55), to "machinery and metal articles"; related premiums and advertising matters when moving in mixed loads with animal and poultry feeds (Sub-Nos. 37, 38), and printed advertising matter and premiums, used solely in connection with the sale of mineral feeds and insecticides (Sub-No. 1), to "printed matter"; lignite, treated and untreated, in bags, and bentonite clay in bags (Sub-No. 1), to "coal and coal products, and clay, concrete, glass and stone products"; from bags, containers, and wrappers (Sub-No. 55), to "pulp, paper and related products"; (B) remove all plantsite restrictions and change to county-wide authority in its Sub-Nos. 1, 38, 39, 43, 44, and 55; (C) delete restrictions as to packaging, such as "in packages, in mixed shipments with salt and salt compounds", in bags, "when

shipped in mixed loads with salt or salt products or compounds", "when moving in mixed loads with animal and poultry feed", from its Sub-Nos. 1, 37, 38, 39, 41, 43, and 44; (D) remove exceptions in bulk, in tank vehicles (Sub-No. 1), flour in bulk (Sub-No. 52), liquid commodities in bulk, in tank vehicles (Sub-No. 52), and chemicals in bulk (Sub-No. 43), (E) replacing city-wide authority with county-wide authority wherever they appear in each certificate as follows: Van Zandt County, TX for Grand Saline, TX; Reno County, KS for Hutchinson, KS; Rice County, KS for Lyons, KS; Adams County, IL for Quincy, IL; Platte County, NE for Columbus, NE; Ellsworth County, KS for Kanopolis, KS; Lancaster County, NE for Lincoln, NE; Douglas County, NE, for Omaha, NE, where appropriate; Keokuk County, IA for Sigourney, IA; Bowman County, ND for Gascayne, ND; Butte County, SD for Beele Fourche, SD; Weston County, WY for Upton, WY; and Cass County, IA for Atlantic, IA; Cherokee County, IA for Marcus, IA; Dodge County, MN for Kasson, MN; and Dakota County, NE for Dakota City, NE; (F) expand its one-way authority to radial authority.

MC 109449 (Sub-64)X, filed June 30, 1981. Applicant: KUJAK TRANSPORT, INC., P.O. Box 799, Winona, MN 55987. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200-A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-No. 30F certificate to (1) broaden the commodity description from foodstuffs to "food and related products", (2) remove a facilities limitation at Minneapolis, MN; (3) remove "except commodities in bulk, in tank vehicles"; (4) remove the originating at and destined to restriction; and (5) replace one-way with radial authority.

MC 110841 (Sub-23)X, filed July 2, 1981. Applicant: PORT NORRIS EXPRESS CO., INC., North Avenue, Port Norris, NJ 08349. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-No. 21F certificate to broaden the commodity descriptions from (1) gravel, clay and stone to "clay, concrete, glass or stone products", and (2) materials used in the manufacture and distribution of glass, in bulk to "commodities in bulk."

MC 111848 (Sub-7)X, filed June 16, 1981. Applicant: LAP TRANSPORT, INC., R.D. #2, Eldred, PA 16731. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden commodity descriptions from engines (some with

exceptions), pumps, compressors, and parts thereof, rough castings, rough forgings, steel bars, patterns, weldments, firebrick, ferro alloy briquettes, tooling, and from engine parts and railroad diesel engine parts to "clay, concrete, glass or stone products, machinery, metal products, and transportation equipment," and (2) broaden territorial description to "between all points in the US," under continuing contract(s) with named shippers.

MC 113658 (Sub-55)X, filed June 18, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave. N.W., Washington, D.C. 20036. Applicant seeks to remove restrictions in its Sub-Nos. 42F and 43F certificates to (1) change the commodity descriptions as follows: from such commodities as are dealt in or used by the manufacturers of chocolate products in Sub-No. 42F; and from meat, meat products, and meat by-products and articles distributed by meat packinghouses in Sub-No. 43F to "food and related products"; (2) provide for two-way radial operations in Sub-Nos. 42F and 43F; (3) to replace authority to serve plantsites with country-wide or city-wide authority: Logan County, CO, for Sterling, CO; Morgan County, CO, for Fort Morgan, CO; Denver, CO, for facilities in Denver in Sub-No. 43F; and (4) remove the "except hides and commodities in bulk" exceptions in Sub-No. 43F and the in bulk exception in Sub-No. 42F.

MC 113670 (Sub-6)X, filed June 26, 1981. Applicant: PRICE TRANSPORTATION CO., 2004 East 27th Street, Des Moines, IA 50317. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-No. 3 permit to (1) broaden the commodity description to "food and related products and materials, equipment and supplies used in the manufacture of food and related products" from beer, gingerale, empty beverage containers, and fancy groceries; and (2) authorize service between points in the U.S. under contract(s) with a named shipper.

MC 116101 (Sub-14)X, filed June 16, 1981. Applicant: QUICK AIR FREIGHT, INC., Cargo Building, Columbus International Airport, Columbus, OH 43219. Representative: Russell S. Bernhard, 1625 K St., N.W., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-Nos. 5, 6, 11 and 12F certificates to (1) remove the size and weight restrictions in Sub-Nos. 5, and 6, (2) remove the usual exceptions

to general commodities authority except classes A and B explosives in Sub-Nos. 11 and 12, (3) remove restriction to shipments having a prior or subsequent movement by aircraft in Sub-No. 11, (4) remove restriction against transportation of general commodities from or to Vandalia, OH (except shipments originating in or destined to a point in Butler County), office furniture and fixtures, furnishing dump truck service, and livestock (except when handled in connection with air transportation) in Sub-No. 11, (5) remove restriction limiting service to that moving in express service in Sub-No. 12, (6) remove the "originating at or destined to" named points in Sub-No. 6, (7) remove restriction to the exclusive use of one motor vehicle in the transportation of a single shipment, not weighing more than 5,000 pounds, from one consignor at one location to one consignee at one time in Sub-No. 11, (8) remove plantsite limitation (a) in Sub-No. 5 and replace Columbus, OH with Franklin County, OH, (b) in Sub-No. 6 and replace Mt. Vernon, OH with Knox County, OH, (9) remove airport limitations (a) in Sub-No. 11 and replace Municipal Airport of Dayton, OH near Dayton, OH, Port Columbus Airport near Columbus, OH, Cleveland-Hopkins Airport near Cleveland, OH and Greater Cincinnati Airport in Kentucky near Cincinnati, OH with Dayton, OH, Columbus, OH, Cleveland, OH and Cincinnati, OH, and Vandalia, OH Airport with Vandalia, OH, (10) change city to county-wide authority in Sub-No. 11 from Butler Township, OH to Montgomery County, OH, (11) broaden the commodity description to "machinery and machinery parts" from machinery parts and used machinery parts in Sub-No. 5 and from compressors, pumps and parts thereof in Sub-No. 6 (12) change one way to radial authority between (a) 1 OH county, and 2 states in Sub-No. 5, and (b) 1 OH county, and 2 states in Sub-No. 6.

MC 116127 (Sub-10)X, filed June 22, 1981. Applicant: GEORGE D. CYRUS, INC., Route 1, Iola, KS 66749. Representative: Charles H. Apt, 104 South Washington, Iola, KS 66749. Applicant seeks to remove restrictions in its Sub-Nos. 7 and 9F permits to broaden territorial description to between points in the U.S., under continuing contracts with a named shipper in both Subs.

MC 126881 (Sub-19)X, filed June 30, 1981. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Maryland 21701. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, Virginia 22030. Applicant seeks to

remove restrictions in its lead and Sub-Nos. 2, 5, 7, 11, 13, 16F, and 17F permits to (1) broaden the commodity descriptions from (a) fruit juices, fruit concentrates, and dairy products to "farm products, and food and related products" in Sub-No. 2; (b) dairy products and non-alcoholic drink preparations to "farm products, and food related products" in Sub-No. 5; (c) dairy products, to "farm products, and food and related products" in Sub-No. 7; (d) disposable grounding electrodes to "machinery" in Sub-No. 13; (e) bakery products, pan grease to "food and related products" in Sub-No. 16; (f) sweeteners to "food and related products" in Sub-No. 17; (2) authorize service between all points in the U.S., under continuing contract(s) with named shippers in all referenced authorities; (3) delete restriction against the transportation of canned goods in Sub-No. 2; (4) delete an in bulk, and vehicle restrictions in Sub-Nos. 7 and 17; (5) remove restrictions against the shipment of commodities in bulk, used in the preparation, manufacture, sale, and distribution of food, foodstuffs, dessert and dairy products, in Sub-No. 11.

MC 133324 (Sub-8)X, filed June 22, 1981. Applicant: CAR CARRIERS, INC., 13101 South Torrence Avenue, Chicago, IL 60603. Representative: William D. Brejcha, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F and 6F, certificates: (A) to broaden the commodity description to (1) "transportation equipment" from new automobiles, new trucks, and new chassis, in initial movements, in truckaway service, automobiles, trucks, and chassis, new and used, unfinished, and/or wrecked, in subsequent or secondary movements, in truckaway service, new automobiles, trucks, chassis, commercial automotive vehicles, and unfinished automotive vehicles, in initial movements, in truckaway service, and new automotive vehicles, chassis, and automobile show equipment, displays, and advertising matter when moving with these commodities, in initial movements, in truckaway service, in paragraphs 1, 2, 4, 9, and 10 of its lead; (2) "transportation equipment and machinery" from automobiles, trucks, tractors, chassis, and commercial automotive vehicles, new, used, unfinished, and wrecked, in subsequent or secondary movements, in driveaway service, new automobiles, new trucks, new tractors (except farm tractors), new chassis and parts therefor, when moving with these commodities, and automobile show displays, when moving with display

vehicles in initial movements, in truckaway service, and new bodies and parts therefor when moving with new bodies and automobile show displays when moving with display bodies, automobiles, chassis, station wagons, trucks, and truck tractors, in initial movements, in truckaway service, and automobiles, trucks, truck tractors, and chassis in initial movements, in truckaway service in paragraphs 3, 5, 6, 7, 8, and 11 of its lead, (3) to "machinery" from farm and industrial tractors in paragraph 12 of its lead; (4) "transportation equipment" from new automobiles, in initial movements, in truckaway service in its Sub-No. 4F; (5) "transportation equipment" from motor vehicles, in initial movements in it Sub-No. 6F; (B) to remove the restrictions: (1) against applicant's interline operations with either Automobile Carriers, Inc. or C&J Commercial Driveway, Inc. "by a coupling of the initial movement rights of one with the secondary movement rights of the other for through transportation of traffic under such combination" in paragraphs 1-12 of its lead; (2) limiting service "from places of manufacture and assembly" in paragraphs 1 and 4 of its lead; (3) limiting service to named facilities, including railheads, in paragraphs 1, 2, 3, 9, 10, and 11 of its lead; (4) against the transportation of platform, warehouse, and lift trucks in paragraph 11 of its lead; (5) limiting service to the transportation of traffic having a prior movement by rail or water to Chicago, IL in paragraph 12 of its lead; (6) limiting service to movements "in mixed loads with motor vehicles otherwise authorized" in paragraph 12 of its lead; (7) prohibiting service from Cook County, IL to Memphis, TN in paragraph 11 of its lead; and (8) against transportation of "trailers" and against service to AL and HI in its Sub-No. 6F; (C) to replace the one-way operations authorized in paragraphs 1-12 of its lead and Sub-Nos. 4F and 6F with radial authority; (D) to broaden the territorial scope to county wide authority: (1) replace Omaha, NE, with Douglas and Sarpy Counties, NE in paragraph 1a of its lead; (2) replace Indianapolis, IN with Marion County, IN in paragraph 1b of its lead; (3) replace Hegewisch, IL with Cook County, IL in paragraphs 5 and 7 of its lead; (4) replace Wixom, MI with Oakland County, MI in its Sub-No. 4F; and (5) replace Battle Creek, MI with Calhoun County, MI in its Sub-No. 6F.

MC 134838 (Sub-31)X, filed June 11, 1981. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Road, Smyrna, GA 30080. Representative: Walter S.

Wallace (same address). Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 6F, 7, 10G, 11, 12, 15, 17, 18, 20F, 21F, 24F, 25F, 26F, and 27F certificates to: (1) broaden the commodity description in its lead certificate and Sub-Nos. 6F, 7, 10G, 15, 18, and 24F from various specified lumber and wood products such as wooden poles, crossarms, ties, floor and paving blocks and posts to "lumber and wood products"; (2) broaden the commodity descriptions in Sub-No. 11 from machinery, machinery parts, road construction machinery and contractors equipment; in Sub-No. 12, from jigs, tools, equipment, material and supplies used in the jobsite erection, installation or construction of prestressed, precast and reinforced concrete products, products made partially of precast, prestressed or reinforced concrete, concrete cooling towers and concrete cooling tower sections; in Sub-No. 20F, from material handling equipment and materials processing equipment and materials and equipment used in the manufacture of such commodities; in Sub-No. 25F, from pile drivers and pile extractors and parts, supplies, materials, and equipment used in the manufacture, installation, dismantling and distribution of steel pipe, pipe fittings, beams, piling, rails, railway track accessories, pile drivers and pile extractors; and in Sub-No. 27F, from forestry, agricultural, and mining machinery and parts, attachments, components and accessories for forestry, agricultural and mining machinery and materials, equipment and supplies used in the manufacture and distribution of such commodities, to in each of the above numbered subs "machinery and equipment and parts, implements, attachments and accessories therefor, and materials, supplies and equipment used in the manufacture, distribution or sale thereof"; (3) broaden the commodity description in Sub-Nos. 11 and 21, from iron and steel articles to "metal products"; (4) broaden the commodity description in Sub-No. 25F from steel pipe, pipe fittings, beams, piling, rails and railway track accessories to "metal products"; (5) broaden the commodity description in Sub-No. 12 from prestressed, precast and reinforced concrete products and products partially made of precast, prestressed or reinforced concrete, concrete cooling towers and concrete cooling tower sections to "clay, concrete, glass or stone products"; (6) expand specific point authority to county-wide authority as follows: in Sub-No. 10G, Florence to Lauderdale County, AL, Athens to

Limestone County, AL, Huntsville to Madison County, AL; in Sub-No. 12, Macon to Bibb County, GA, Stockbridge to Henry County, GA; in Sub-No. 17, Savannah to Chatham County, GA; in Sub-No. 20F, Loganville to Walton County, GA; in Sub-No. 21F, Greenville to Greenville County, SC; in Sub-No. 25F, Parkersburg and Washington to Wood County, WV; in Sub-No. 26, Hampton to Henry County, GA; in Sub-No. 27F, Cedartown to Polk County, GA; (7) broaden existing one-way authority to radial authority in its lead and Sub-Nos. 5, 6F, 12, 15, 17, 18F, 20F, and 27F; (8) remove facilities limitations in Sub-Nos. 12, 20F, 21F, 25F, 26F and 27F; (9) remove equipment restrictions such as in dump or tank vehicles wherever they appear in each certificate; (10) remove the restriction "except commodities in bulk" and other specified commodities such as "except plywood and veneer" wherever they appear in each certificate.

MC 135115 (Sub-4)X, filed July 2, 1981. Applicant: BRAZEAU TRANSPORT, INC., 660 Chemin Cote, St-Francois, Ville St-Laurent, Quebec H4S 1B7. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Applicant seeks to remove restrictions from its Sub-No. 1 certificate to: broaden the commodity description from fuel oil, liquid asphalt, and gasoline, to "petroleum, natural gas and their products"; remove the "in bulk, in tank vehicles" restriction; and expand its one-way authority to radial authority between ports of entry on the United States-Canada boundary Line located in NY, NH, VT, and ME, and NY, NH, VT, MA, CT and RI.

MC 138108 (Sub-2)X, filed June 30, 1981. Applicant: GULF STATES TRUCKING SERVICE, INC., P.O. Box 2942, Laurel, MS 39440. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Lead and Sub-No. 1 certificates to: (1) broaden its commodity descriptions from (a) machinery, equipment, materials, and supplies used in replacing, servicing, and repair of machinery and equipment, used in or in connection with the discovery, development, and production of natural gas and petroleum and their products and by-products; (b) machinery, equipment, materials, and supplies used in replacing, servicing, and repair of machinery and equipment, used in the construction, erection, and maintenance of antipollution disposal wells and related facilities; and, (c) machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production,

refining, manufacture, processing, storage, transmission, and distribution of natural gas, petroleum, petroleum products and petroleum by-products, to "Mercer commodities"; (2) remove the restriction against commodities in bulk in both Certificates; (3) broaden its present authority to serve named cities with countrywide authority as follows: Natchez, MS, with Adams County, MS and Concordia Parish, LA; Jackson, MS, with Hinds, Rankin, and Madison Counties, MS; Laurel, MS, with Jones County, MS; and, Brookhaven with Lincoln County, MS.

MC 138328 (Sub-138)X, filed June 24, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE. Representative: Donna Ehrlich (same as applicant). Applicant seeks to remove restrictions from its MC-133233 Sub-Nos. 23, 52 and 72 permits to (1) broaden the community description to "such commodities as are dealt in by or used by manufactures and distributors of cast iron products" from cast iron pipe and fittings and accessories for cast iron pipe in Sub-No. 23; materials and supplies used in the manufacture and distribution of cast iron products and finished products thereof in Sub-Nos. 52 and 72; (2) remove the in bulk restriction in Sub-No. 52 and (3) broaden territorial descriptions to between points in the U.S., under continuing contract(s) with a named shipper.

MC 138480 (Sub-6)X, filed June 25, 1981. Applicant: CENTRAL DELIVERY SERVICE OF WASHINGTON, INC., 8547 Piney Branch Road, Silver Spring, MD 20901. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, NW., Washington, DC 20005. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "general commodities (except classes A and B explosives), from general commodities (with usual exceptions and radio pharmaceuticals and medical isotopes); (2) eliminate the size and weight restrictions; (3) eliminate the restriction prohibiting the transportation of (a) shipments having an immediate prior or subsequent movement by air between named points, and (b) specified commodities between banks and banking institutes; and (4) expand described portions of named counties to authorize service at all points in the named counties.

MC 139391 (Sub-12)X, filed June 25, 1981. Applicant: G & H TRANSPORTATION CO., INC., P.O. Box 157, Widener, AR 72394. Representative: Frank B. Hand, Jr., 523

South Cameron Street, Winchester, VA 22601. Applicant seeks to remove restrictions in its Sub-No. 8F permit to broaden the territorial description to "between points in the United States," under continuing contract(s) with the named shipper.

MC 140257 (Sub-3)X, filed July 2, 1981. Applicant: BENNETT & SON TRANSPORT, LTD., 47 Bothwell Crescent, Regina, Saskatchewan, Canada S4R 5Y7. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions from its Sub-No. 2 certificate to (1) broaden the commodity description to (a) "clay, concrete, glass or stone products" from cullet, glass spheres and glass beads; and (b) "metallic ores and waste or scrap materials" from flattened vehicles, scrap metal, iron ore pellets and iron ore concentrates; and (2) change its one-way to radial authority between points in the central and northern portion of the U.S.

MC 140612 (Sub-87)X, filed June 19, 1981. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, IA 52406. Representative: J. L. Kazimour (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 5, 8, 9, 10, 12, 14, 15, 18, 19, 20, 24, 26, 27, 28, 29, 31, 33, 34, 35, 38, 39, 41, 42, 44, 45, 47, 48, 49, 51F, 54F, 55F, 57F, 60F, 63F, 64F, 67F, 68F, 71F, 72F, 73F, 80F, 81F, 83F, 84, and 85F, certificates to (1) delete the in bulk restrictions in the lead and Sub-Nos. 5, 14, 19, 26, 27, 28, 31, 34, 35, 41, 42, 45, 49F, 51F, 54F, 55F, 57F, 60F, 64F, 67F, 68F, 71F, 72F, 73F, 80F, 81F, 83F, 84F, and 85F, (2) remove restrictions against the transportation of commodities which because of size or weight require special equipment in Sub-Nos. 5, 26, 27, 31, 47, 60, 80, 81, and 85, (3) remove (a) in tank vehicle restrictions in Sub-Nos. 54, 85, 83, 81, 80, 73, 72F, 71F, 68F, 67F, 64F, 60, 55, 54F, and 28, restrictions against the transportation of (a) hides in Sub-No. 41, (b) motor homes in the lead (c) dairy products and frozen foodstuffs in Sub-No. 14, (d) foodstuffs, alcoholic beverages and plumbing fixtures in Sub-Nos. 24, 42 (e) foodstuffs, and alcoholic beverages in Sub-Nos. 54, 68 and 83 (4) remove the "originating at and/or destined to" named points restriction in Sub-Nos. 5, 10, 14, 19, 26, 28, 29, 31, 33, 34, 35, 38, 41, 44, 47, 48, and 73, (5) remove facilities limitation (a) in Sub-No. 14 and replace Austin and Owatonna, MN with Mower and Steele Counties, MN, (b) in Sub-No. 24 and replace Des Moines, IA with Polk County, IA, (c) in Sub-No. 26 and replace Ft. Smith AR with Sebastian and

Crawford Counties, AR, (d) in Sub-No. 27 and replace Milledgeville, GA with Baldwin County, GA, (e) in Sub-No. 29 and replace Amana, IA and Fayetteville, TN with Iowa County, IA and Lincoln County, TN, (f) in Sub-No. 31 and replace Chattanooga, TN, Ripon, WI, Searcy, AR, St. Louis, MO with Hamilton and Marion Counties, TN, Green Lake County, WI, White County, AR and St. Louis and Boone Counties, MO (g) in Sub-No. 34 and replace Mansfield, OH, Springfield, TN, Murray, KY, Dalton, GA and Anaheim, CA with Richland County, OH, Davidson and Robertson Counties, TN, Calloway County, KY, Murray County, GA and Los Angeles County, CA, (h) in Sub-No. 38 and replace Rossville, Bells and Memphis, TN with Fayette, Crockett and Shelby Counties, TN, (i) in Sub-No. 41 and replace Ft. Dodge, IA and Austin, MN with Webster County, IA and Mower County, MN, (j) in Sub-No. 42 and replace Des Moines, IA with Polk County, IA (k) in Sub-No. 45 and replace Oxford, IA with Johnson County, IA, (l) in Sub-No. 47 and replace Louisville, KY with Jefferson County, KY, (m) in Sub-No. 51 and replace Forrest City, AR with St. Francis County, AR, (n) in Sub-No. 63 and replace Omaha, NE and Scottsboro, AL with Douglas County, NE and Jackson County, AL, (o) in Sub-No. 64 and replace Irving, TX with Tarrant and Dallas Counties, TX, (p) in Sub-No. 67 and replace Marion, IA with Linn county, IA and (q) in Sub-No. 72 and replace Battle Creek, Grand Rapids, and Kalamazoo, MI, Omaha, NE, Memphis, TN and San Leandro, CA with Calhoun, Kent and Kalamazoo Counties, MI, Douglas County, NE, Shelby County, TN, andameda County, CA, (r) in Sub-No. 15 and replace Bettendorf, IA with Scott County, IA (s) change city to county-wide authority from (a) Lincoln, NE to Lancaster County, NE in the lead, (b) Bellington, WA to Whatcom County, WA in Sub-No. 2, (c) San Diego, CA and Forrest City, AR to San Diego County, AR and St. Francis County, AR in Sub-No. 3, (d) Cedar Rapids, IA, Rock Island, IL, and McMinnville, TN to Linn County, IA, Rock Island County, IL and Warren County, TN in Sub-No. 5, (e) Long Beach, CA to Los Angeles County, CA in Sub-No. 9, (f) Cedar Rapids, IA to Linn County, IA in Sub-No. 12, (g) San Diego, CA and Davenport, IA to San Diego County, CA and Scott County, IA in Sub-No. 18, (h) Bloomington, IN, Davenport and Des Moines, IA, Springfield, MO, Ft. Smith and Little Rock, AR and Oklahoma City, OK to Monroe County, IN, Scott and Polk Counties, IA, Greene County, MO,

Pulaski and Sebastian and Crawford Counties, AR and Canadian and Cleveland Counties, OK in Sub-No. 20, (i) Newton, IA to Jasper County, IA in Sub-No. 28, (j) Webster City and Ft. Dodge, IA, Des Plaines, IL and Milwaukee, WI to Webster and Hamilton Counties, IA, Cook County, IL and Milwaukee County, WI in Sub-No. 33, (k) Bettendorf, IA to Scott County, IA in Sub-No. 35, (l) Chariton and Cherokee, IA to Lucas and Cherokee Counties, IA in Sub-No. 38 (m) Sioux City, IA and Omaha and Lincoln, NE to Woodbury County, IA, Douglas and Lancaster Counties, NE in Sub-No. 42, (n) Ft. Smith, AR to Sebastian and Crawford Counties, AR in Sub-No. 44, (o) Plover, WI to Portage County, WI in Sub-No. 48, (p) Cedar Rapids, IA, Hanging Rock, OH and Waupaca, WI to Linn County, IA, Lawrence County, OH and Waupaca County, WI in Sub-No. 49, (q) Los Angeles, CA to Los Angeles County, CA in Sub-No. 54, (r) Moline, IL to Rock Island County, IL in Sub-No. 55, (s) Clinton and Davenport, IA to Clinton and Scott Counties, IA in Sub-No. 57, (t) Northridge, CA to Los Angeles County, CA in Sub-Nos. 68 and 83, (u) Landrum and Greenville, SC and Lysterly, GA to Spartanburg and Greenville Counties, SC and Chattooga County, GA in Sub-No. 71, (v) Des Moines, IA to Polk County, IA in Sub-No. 73, (w) Dallas, TX to Dallas County, TX in Sub-No. 84, (7) broaden the commodity description to "food and related products" from bananas and exempt agricultural commodities when transported in mixed loads with bananas in Sub-No. 9; from canned fruits and vegetables in Sub-No. 10; from canned and preserved foodstuffs in Sub-No. 14; from malt beverages in Sub-No. 8; from frozen fruits and vegetables in Sub-No. 38; and from frozen foodstuffs in Sub-No. 48; to "food and related products and pet foods" from cereal preparations, icing paste, grain and vegetable products, cornstarch and pet foods in Sub-No. 12, to "pulp, paper and related products" from toilet paper, paper towels and facial tissues in Sub-No. 2, to "electronic equipment, component parts and subassemblies" from television component parts and sub-assemblies in Sub-No. 3, to "packaging materials, empty containers and closures and paper products" from empty containers and closures in Sub-No. 18, to "rubber and plastic products" from rubber articles and plastic articles in the base commodity description of Sub-No. 64, and; from plastic articles, expanded cellular plastic products in part (1) of Sub-No. 67, and to "rubber and plastic products, metal products, lumber and

wood products, furniture and fixtures" from kitchen, bathroom and household cabinets in part (1) of Sub-No. 73, (8) remove restrictions against service to AK and HI in Sub-Nos. 27, 47, 60F, 64F, 81F, 84F and 85F, and (9) change one-way to radial authority between various combinations of points throughout the U.S. in Sub-Nos. 2, 3, 8, 9, 10, 12, 14, 15, 18, 19, 20, 28, 29, 31, 33, 34, 35, 38, 41, 42, 44, 45, 47, 49, 54F, 63F, 68F and 71F, and (10) remove restriction against the transportation of traffic originating at St. Louis, MO destined to Kansas City, KS and points in IL and Sub-No. 31.

MC 142059 (Sub-166)X, filed March 10, 1981, previously noticed in the Federal Register of March 25, 1981, republished as follows: Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). As is pertinent here, applicant seeks to remove restrictions in its Sub-Nos. 126F and 132F certificates. Applicant requested that the commodity descriptions be broadened to "metal products, furniture and fixtures, clay, concrete, glass or stone products, machinery, instruments and photographic goods, and chemicals and related products" from (1) heating equipment, stoves, fireplaces, furnaces, and incinerators, and (2) parts for the commodities in (1) above, in Sub-No. 126F, and from (1) fireplace accessories, in packages, and (2) materials, equipment, and supplies used in the manufacture and distribution of fireplace accessories (except in bulk, and commodities which because of size or weight require special equipment), in Sub-No. 132F. The issued certificate, however, included only metal products, furniture and fixtures, and clay, concrete, glass or stone products. The purpose of this republication is to reflect applicant's original request and to request comments from interested parties. The territory involved is (a) between points in Limestone and Madison Counties, AL, Sheffield, AL, and points in Sumter County, GA, on the one hand, and, on the other, those points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, and (b) between points in Morgan County, AL, on the one hand, and, on the other, points in the United States.

MC 144061 (Sub-24)X, filed June 22, 1981. Applicant: SICOMAC CARRIERS, INC., 1107 Goffie Rd., Hawthorne, NJ 07506. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225. Applicant seeks to remove restrictions from its Sub-Nos. 2F, 7F and 15F permits to (1) broaden the commodity

description to "liquid chemicals, in bulk" from pollution control additives, emission and stack neutralizing additives, and pollution control feeding equipment in Sub-No. 2F, (2) change territorial description to between points in the U.S., under continuing contract(s) with Apollo Technologies, Inc. in Sub-No. 2 and named shippers in Sub-Nos. 7 and 15F and (3) remove the in tank vehicle restriction in Sub-No. 7F.

MC 151188 (Sub-4)X, filed June 29, 1981. Applicant: STEPHEN W. KETCHUM, d.b.a. KETCHUM TRUCKING COMPANY, P.O. Box 464, Pontiac, MI 48056. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to broaden the commodity description in its lead certificate from motorcycles, snowmobile and all terrain vehicles and parts and accessories for the same to "transportation equipment" in its authority to serve the U.S. in and east of ND, SD, NE, KS, OK, and TX.

[FR Doc. 81-21130 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-34]

Passenger Train Operation

TO: Chicago and North Western Transportation Company

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Seattle, Washington. The operation of these trains requires the use of the tracks and other facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW). A portion of the MILW tracks at Sparta, Wisconsin, are temporarily out of service because of a derailment. An alternate route is available via Chicago and North Western Transportation Company between Camp Douglas, Wisconsin and St. Paul, Minnesota (Midway Station).

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission served March 6, 1978, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), Chicago and North Western Transportation Company

(CNW) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between Camp Douglas, Wisconsin, and a connection with Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), near St. Paul, Minnesota (Midway Station).

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 6:30 p.m., July 9, 1981.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 10, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Chicago and North Western Transportation Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 9, 1981.
Interstate Commerce Commission.
Joel E. Burns,
Agent.

[FR Doc. 81-21138 Filed 7-17-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of

the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-137

The following applications were filed in region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 146447 (Sub-1-6 TA), filed July 7, 1981. Applicant: TANBAC, INC., 847 Glenbrook Road, Orange, CT 06477. Representative: David M. Marshall, Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *Such commodities as are dealt in by a manufacturer or distributor of building materials*, between Hialeah, FL, on the one hand, and, on the other, points in the U. S. (except AK and HI) under continuing contract(s) with Clopay Corporation, Door Products Division, Hialeah, FL. Supporting shipper: Clopay Corporation, Door Products Division, 745 West 18th Street, Hialeah, FL 33010.

MC 155869 (Sub-1-2 TA), filed July 7, 1981. Applicant: UNITED STATES SERVICE CORPORATION, 170 Main Street, Holyoke, MA 01040. Representative: James M. Burns, 1383 Main Street, Suite 413 Springfield, MA 01103. *Contract carrier:* irregular routes: *General commodities, usual exceptions, which include hazardous waste* between points in the U.S., under

continuing contract(s) with Sheldon Forwarding Co., Inc., Holyoke, MA and United Freight Forwarders, Inc., Holyoke, MA. Supporting shipper(s): Sheldon Forwarding Co., Inc., 170 Main Street, Holyoke, MA 01040; United Freight Forwarders, Inc., 170 Main Street, Holyoke, MA 01040.

MC 156980 (Sub-1-1TA), filed July 7, 1981. Applicant: JOHN M. ALEXANDER, RFD #2 Hollywood Avenue, Raymond, NH 03077. Representative: John M. Alexander (same as applicant). *Contract carrier:* irregular routes: *Diodes, capacitors, rectifier assemblies, multipliers and equipment, including furnaces, used in the manufacture of the foregoing* (1) between points in MA, (2) between the facilities utilized by Unitrode Corporation at Salem and Methuen, MA, on the one hand, and, on the other, facilities utilized by Unitrode Corporation at Douglas, AZ, under continuing contract(s) with Unitrode Corporation, Lexington, MA. Supporting shipper: Unitrode Corporation, 5 Forbes Road, Lexington, MA 02173.

MC 87451 (Sub-1-27TA), filed July 7, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as applicant). *Iron and steel articles and materials, equipment and supplies used in the manufacture, sale and distribution thereof (except commodities in bulk, classes A & B explosives and household goods as described by the Commission)*, between points in MA on the one hand, and, on the other, points and places in the U.S. (except AK and HI). Supporting shipper: Barker Steel Co., Inc., 206 Dexter Ave., Watertown, MA 02172.

MC 140267 (Sub-1-3TA), filed June 30, 1981. Applicant: R. A. TRANSPORTATION, INC., Six Connerty Court, East Brunswick, NJ 08816. Representative: Thomas J. Beener, 67 Wall Street, Suite 2510, New York, NY 10005. *Contract carrier:* irregular routes: *Chemical and related products and plastic products*, between Glen Falls, NY, Toms River, NJ, on the one hand, and, on the other, points in NY, NJ, PA, MA, MD, DC, RI, CT, ME, VA, VT, MO AND NH, under continuing contract(s) with Ciba-Geigy Corp., Ardkey, NY. Supporting shipper: Ciba-Geigy Corp., Sawmill River Road, Ardkey, NY 10502.

MC 125040 (Sub-1-2TA), filed July 2, 1981. Applicant: R. CONLEY, INC., 6891 Seneca Street, Elma, NY 14059. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Glass bottles* from Buffalo, Niagara Falls and Lewiston, NY to points in NY. Supporting shipper:

Pepsi Cola Allied Beverages, Inc., P.O. Box 338, Syracuse, NY 13057.

MC 156865 (Sub-1-1TA), filed June 30, 1981. Applicant: BRINDLE LEDGE FARMS, INC., 78 West Merrimac St., Manchester, NH 03101. Representative: Vincent E. Dubuc (same as applicant). *Horses and equipment and supplies used in the horse industry*, between points in U.S. on and east of the Mississippi River. Supporting shipper(s): There are 14 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 153965 (Sub-1-1TA), filed July 7, 1981. Applicant: ROBERT O. ALLEN, JR. d.b.a. R. O. ALLEN & SON, 57 Kattelville Road, P.O. Box 86, Chenango Bridge, NY 13745. Representative: Robert O. Allen, Jr. (same as applicant). *Paper and paper products and waste paper, pulp, paper or allied products and printed matter* between points and places in an area comprised of the States of CT, MA, NJ, NY, PA and VT. Supporting shipper(s): Malchak Salvage, Inc., Castle Creek Rd., Rt. 11, Binghamton, NY 13901; Our Press, Inc., P.O. Box 232, Chenango Bridge, NY 13745.

MC 156959 (Sub-1-1TA), filed July 6, 1981. Applicant: STAG MOTOR LINES, INC., P.O. Box 183, Bush Terminal Station, Brooklyn, NY 11232. Representative: Ira S. Lipsius, 225 West 34th Street, New York, NY 10122. *Knitted fabrics* from points in NC to points in the New York, NY Commercial Zone. Supporting shipper: Symphony Fabrics Corp., 229 W. 36th Street, New York, NY 10018.

MC 156957 (Sub-1-1TA), filed July 6, 1981. Applicant: 99087 CANADA LIMITED, 5755 Desjardens Street, St. Hyacinthe, PQ, CD J2S 1A6. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801. *Pulp, paper and related products*, between ports of entry on the U.S.—CD boundary line in NY and VT, on the one hand, and, on the other, points in CT, DE, MA, ME, MD, MI, NH, NJ, NY, OH, PA, RI, VA, VT, and DC. Supporting shipper: Domtar, Inc., 395 Maisonneuve Boulevard W., Montreal, Quebec H3C 3M2.

MC 145085 (Sub-1-2TA), filed June 30, 1981. Applicant: SID'S, INC., 9 Western Avenue, P.O. Box D, Jonesport, ME 04649. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *Tires, batteries and accessories* between points in PA and MO, on the one hand, and, on the other, points in the U.S. in and west of WI, IL, KY, TN and MS. Supporting shipper: World Tire

Co., 4156 Hoffmeister Street, St. Louis, MO 63125.

MC 156859 (Sub-1-1TA), filed June 30, 1981. Applicant: RICE TRANSPORT INC., 17 Brookwood Road, Stanhope, NJ 07874. Representative: W. F. Rice (same as applicant), *contact carrier: irregular routes: Toys and hobby craft, materials, equipment and supplies used in connection therewith between points in the U.S. under continuing contract(s) with Kay Bee Toy and Hobby Shops, Inc. of Lee, MA. Supporting shipper: Kay Bee Toy and Hobby Shops, Inc., Route 102, Lee, MA 01238.*

MC 156858 (Sub-1-1TA), filed June 30, 1981. Applicant: D J & R TRUCKING, 80 Leonard Street, Metuchen, NJ 08840. Representative: Phil Torrisi (same as applicant), *Contract carrier: irregular routes: Insecticides, herbicides, pesticides, fertilizer and agricultural chemicals, applicators thereof, and materials, equipment and supplies used in connection therewith between points in Middlesex County, NJ and points in CT, DE, MD, NJ, NY, PA under continuing contract(s) with Chevron Chemical Co. of Perth Amboy, NJ 08861. Supporting shipper: Chevron Chemical Co., 1200 State St., Perth Amboy, NJ 08861.*

MC 87451 (Sub-1-28TA), filed July 7, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as applicant), *Iron and steel articles and materials, equipment and supplies used in the manufacture, sale and distribution thereof (except commodities in bulk, classes A & B explosives and household goods as described by the Commission), between points in MA on the one hand, and, on the other, points and places in the U.S. (except AK and HI). Supporting shipper: Northern Steel, Inc., 809 Gibson St., Medford, MA 02155.*

MC 84428 (Sub-1-5TA), filed July 7, 1981. Applicant: CHESTER JACKSON COMPANY, 475 Schuyler Avenue, Kearny, NJ 07032. Representative: Edward F. Bowes, Esq., P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Chemicals in bulk in tank vehicles, between points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, and VT located within 200 miles of Kearny, NJ. Supporting shipper(s): There are 18 statements in support of this application which may be examined at the regional office of the I.C.C. in Boston, MA.*

MC 154448 (Sub-1-2TA), filed July 7, 1981. Applicant: HEMPSTEAD LIMOUSINE SERVICE CORP., 20 Sterling Place, Hempstead, NY 11550. Representative: Harold Sacks, P.C., 19 W 44th Street, New York, NY 10036.

Passengers and their baggage in round trip charter operations from points beginning and ending in Nassau and Suffolk Counties, NY and the New York, NY Commercial area to points in the states of NY, CT, NJ, and Washington, DC. Supporting shipper(s): Paul Robeson Regular Democratic Club, Inc., 231-34 Merrick Blvd., Laurelton, Queens, NY 11413; Springfield Gardens United Methodist Church, 130-129 Farmers Blvd., Springfield Gardens, NY 11413; Mount Nemo Baptist Church, 178-14 140th Ave., Springfield Gardens, NY 11413.

MC 156857 (Sub-1-1TA), filed June 30, 1981. Applicant: EASTPORT CARRIERS, INC., c/o Gregory R. Keyes, 56 Cedar Lane, Closter, NJ 07624. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Electrical appliances, radios, televisions, calculators, stereos, games, toys, and related products, between points in the New York, NY Commercial Zone, on the one hand, and, on the other, points in NY, NJ, PA, MA, CT, RI, MD, DE, and DC. Supporting shipper(s): Leisure Line Toys, Inc., 900 Secaucus Rd., Secaucus, NJ 07094; Sanyo Electric Inc., 200 Riser Rd., Little Ferry, NJ 07643.*

The following applications were filed in Region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106

MC 127100 (Sub-II-4TA), filed July 6, 1981. Applicant: B & B MOTOR LINES, INC., 911 Summit Street, Toledo, OH 43604. Representative: Charles K. Boxwell, First Federal Plaza, 711 Adams St., Toledo, OH 43624. *Contract, irregular: Malt (beer and ale) beverages in containers from Fulton, NY to Toledo, OH, under a continuing contract with Metropolitan Distributing Company. An underlying ETA seeks 120 days authority. Supporting shipper: Metropolitan Distributing Company, 911 Summit Street, Toledo, OH 43604.*

MC 113106 (Sub-II-9TA), filed July 6, 1981. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW, Wash., D.C. 20005. *Beverages, from Baltimore, MD and Havre de Grace, MD to pts. in DE, PA, NY, NJ, VA, OH, and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Faygo Beverages, Inc., 1365 Jarvis St., Ferndale, MI 48220.*

MC 146202 (Sub-II-1TA), filed July 6, 1981. Applicant: CONTRACTURAL CARRIERS, INC., Allen Dr., Harmony Industrial Park, Newark, DE 19711. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg,

MD 20760. *Plastic and plastic products from New Castle County, DE to points in MI, IL, IN, OH, NC, MA, SC and GA. An underlying ETA seeks 120 days authority. Supporting shipper(s): Formosa Plastic Corp. U.S.A., 66 Havaner Rd., Florham Park, NJ 07932.*

MC 113666 (Sub-II-19TA), filed July 8, 1981. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant), *Ammonium nitrate, in bulk, from points in OH to points in PA, OH, MD, VA, WV, KY and TN for 270 days. Restricted to shipments having a prior movement by water. An underlying ETA seeks 120 days authority. Supporting shipper: Hercules Inc., 814 Commerce Dr., Oak Brook, IL 60521.*

MC 138000 (Sub-II-35TA), filed July 9, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, 301-797-6060. *Paint and paint products from Warren County, VA to points in the U.S. in and east of MN, IA, MO, AR and LA, for 270 days. Supporting shipper: E. I. de Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.*

MC 146036 (Sub-II-2TA), filed July 7, 1981. Applicant: J & M TRUCKING & DISTRIBUTION CO., INC., Rt. 940, Pocono Summit, PA 18346. Representative: Joachim G. Rothe (same address as applicant), *Contract, irregular: Brass, bronze, copper and nickel products, brass and copper billets from Reading and Ontelaunee, PA to points in AZ, CA, OR and WA, under continuing contract(s) with Reading Tube Co., Div. of Reading Industries, Inc., Reading, PA. Supporting shipper(s): Reading Tube Co., Div. of Reading Industries, Inc., P.O. Box 126, Reading, PA 19603.*

MC 157039 (Sub-II-1TA), filed July 9, 1981. Applicant: JORDAN TRUCKING, INC., R. D. #1, Box 97, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830. *Lumber and lumber products, between pts. in Clearfield Co., PA, on the one hand, and, on the other, pts. in NY, NJ, DE, MD, OH, VA, NC, and SC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: C. A. Walker Lumber & Supply Co., Inc., A Division of Bradford Coal Co., Inc., 1101 Walker Rd., Bigler, PA 16825.*

MC 111611 (Sub-II-7TA), filed July 8, 1981. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave.,

Lewistown, PA 17044. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Aluminum boats and canoes and related articles*, between St. Peter, MN and Arkadelphia, AR, on the one hand, and, on the other, points in Birmingham and Madison, AL; Tucson, AZ; Los Angeles, CA; Denver, CO; Norwich, CT; Lake Worth, FL; Lauderdale and Tallahassee, FL; Atlanta and Albany, GA; Idaho Falls, ID; Chicago and E. Peoria, IL; Indianapolis, IN; Council Bluff and Des Moines, IA; Junction City, KS; Louisville, KY; Lake Charles and Shreveport, LA; Augusta, ME; Chesapeake Beach, MD; West Field, MA; Dearborn, MI; Brainerd, MN; Laurel, MS; Boremont, MT; Lincoln, NE; Ft. Lee, NJ; Hobbs, NM; Buffalo and Marathon, NY; Sioux Falls, SD; Knoxville, and Memphis, TN; Dallas, Houston, Lake Jackson and San Antonio, TX; Clear Field, UT; North Hero, VT; Petersburg, VA; Seattle, WA; Charleston, WV; Milwaukee and Wausau, WI and Sheridan, WY, for 270 days. Supporting shipper: Alumacraft Boat Co., 135 West Julien, St. Peter, MN 56082.

MC 152640 (Sub-II-5TA), filed July 8, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. *Contract; irregular: such merchandise as is dealt in and distributed by retail department stores and chain stores and materials and supplies used in the manufacture of the aforementioned commodities*, between Beaverton, OR and Greenland, NH, on the one hand, and, on the other, points in the U.S. located in and east of MN, IA, MO, AR, and LA, under continuing contract(s) with Nke, Inc. of Beaverton, OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Nike, Inc., Beaverton, OR 97005.

MC 152640 (Sub-II-6TA), filed July 8, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Contract; irregular: such merchandise as is dealt in and distributed by retail department stores and chain stores and materials and supplies used in the manufacture of the aforementioned commodities*, between Culver and Wabash, IN, Miami, FL, and Los Angeles, CA, on the one hand, and, on the other, points in the U.S., [except AK and HI], under continuing contract(s) with Nexus Marketing Group, of Wabash, IN, for 270 days. An underlying ETA seeks 120 days

authority. Supporting shipper: Nexus Marketing Group, Wabash, IN 47992.

MC 8771 (Sub-II-6TA), filed July 9, 1981. Applicant: S M TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Envelopes* from Buffalo, NY to points in NJ, DC, MI, OH and PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Niagara Envelope Co., 701 Seneca St., P.O. Box 1084, Buffalo, NY 14210.

MC 148562 (Sub-II-1TA), filed July 9, 1981. Applicant: UNIVERSITY CORP., P.O. Box 2339, Columbus, OH 43216. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Contract; Irregular: (1) Pneumatic rubber tires and tubes* between Columbus, OH and Indianapolis, IN for the account of The Mohawk Rubber Company, and (2) *such commodities as are dealt in or used by manufacturers and distributors of heating and air-conditioning units* between pts in the U.S. [except AK and HI] for the account of Johnson Corp., Division of Magic Chef for 270 days. Supporting shippers: The Mohawk Rubber Company, 2200 Fairwood Ave., Columbus, OH 43207; Johnson Corp., Division of Magic Chef, 851 W. 3rd Ave., Columbus, OH 43212.

MC 136511 (Sub-II-10TA), filed July 9, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *Cosmetics, hair and skin care products and toilet preparations and materials and supplies used in the manufacture thereof*, between points in the United States for 270 days. Supporting shipper: Redken Laboratories, Inc., 6625 Variel Ave., Canoga Park, CA 91303.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 134105 (Sub-3-26TA), filed July 2, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant). *Electric Lighting Fixtures and Lighting Accessories* between points in IA on the one hand, and on the other, points in the U.S. [except AK and HI]. Supporting Shipper: Musco Sportslighting, Inc., Box 14, Muscatine, IA 52761.

MC 143061 (Sub-3-8TA), filed July 6, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W.

Andrews (same as applicant). *Contract carrier; irregular routes: General commodities (except classes A and B explosives)* between points in the US [except AK and HI]. Supporting shipper: National Carrier Service, 2000 Santa Cruz Street, Anaheim, California 92805.

MC 155337 (Sub-3-7TA), filed July 2, 1981. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Drive, Woodstock, GA. 30188. Representative: C. W. Patrick (same as applicant). *Food and Food Products* between the facilities of Nationwide Fund Raisers, Inc. at or near Atlanta, GA, and points in the U.S. [except AK and HI]. Supporting shipper: Nationwide Fund Raisers, Inc. 2649 Mountain Industrial Blvd., Tucker, GA 30084.

MC 155314 (Sub-3-3TA), filed July 2, 1981. Applicant: R. C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33852. Representative: H. Barney Firestone, 10 S. LaSalle Street, Chicago, IL 60603. *Bananas*, between Charleston, SC; New Orleans, LA; Gulfport, MS; Mobile, AL; Wilmington, DE and Miami and Port Everglades, FL on the one hand, and, on the other, points in Delaware and Marion County, IN. Supporting Shipper: Marsh Supermarkets, Inc., P.O. Box 155, Yorktown, IN, 47396.

MC 143786 (Sub-3-1TA), filed July 2, 1981. Applicant: HAL MAST TRUCKING COMPANY, INC., Route 1, Box 259, Sugar Grove, NC 28679. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier: irregular: beef, beef products, pork and pork products*, from NE, TX, CO and IA to NC, VA and MD, under continuing contract with Associated Meats, Inc. Supporting shipper: Associated Meats, Inc., Silver Springs, MD 20904.

MC 156738 (Sub-3-1TA), filed July 2, 1981. Applicant: PEM-KAY FURNITURE CO., INC., P.O. Box 595, Conover, NC 28613. Representative: William P. Farthing, Jr., 100 Cameron-Brown Building, Charlotte, NC 28204. *Contract carrier: irregular: plastic foam*, from Hazelton, PA, and E. Rutherford, NJ, to Greensboro and St. Paul, NC, under continuing contract with Tenneco Chemicals, Inc. Supporting shipper: Tenneco Chemicals, Inc., W-100 Century Rd., Paramus, NJ 07652.

MC 140025 (Sub-3-3TA), filed July 2, 1981. Applicant: L & T, INC., 2650 West Beaver Street, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Bakery Products and Bakery Advertising Matter, Crates, and Racks*, between Valdosta, GA on the one hand,

and, on the other, points in FL. Supporting Shipper: Winn Dixie Stores, Inc., Box B, Jacksonville, FL 32203.

MC 138157 (Sub-3-55TA), filed July 7, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as above). *Such commodities as are dealt in by manufacturers of drugs, medicines, and chemicals (except in bulk) between the facilities of Miles Laboratories, Inc. at or near Dayton, OH; Elkhart, IN; and West Haven, CT on the one hand, and, on the other, points in the U.S. Supporting Shipper: Miles Laboratories, Inc., P.O. Box 40, Elkhart, IN, 46515.*

MC 155028 (Sub-3-5TA), filed July 8, 1981. Applicant: H&R TRANSPORTATION CO., INC., 715 E. Court Street, P.O. Box 964, Marion, NC 28752. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW, Washington, DC 20005. *Chemicals and related products, between points in Cabarrus County, NC, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Mineral Research & Development Corporation, Route 8, Box 222, Concord, NC 28025.*

MC 154793 (Sub-3-2TA), filed July 8, 1981. Applicant: WILLIAM C. WOODARD d.b.a. DRACO TRUCK RENTAL, Box 206, Greenbriar Pike, Springfield, TN 37172. Representative: James Tyre Havron, 513 Nashville Trust Bldg., Nashville, TN 37201. *Contract Carrier: irregular routes, general commodities (except Classes A & B explosives) between points in the U.S., under continuing contract(s) with United States Tobacco Company. Supporting shipper: United States Tobacco Company, Copenhagen Court, Franklin Park, IL 60131.*

MC 156512 (Sub-3-1TA), filed July 8, 1981. Applicant: BUFFALO WOOD, INC., P.O. Box 307, Crosby, MS 39633. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Contract carrier: irregular routes; lumber, from the facilities of Georgia Pacific Corporation at or near Centreville, MS, to points in LA, under a continuing contract(s) with Georgia Pacific Corporation of Crossett, AR. Supporting shipper: Georgia Pacific Corporation, P.O. Box 520, Crossett, AR 71635.*

MC 156615 (Sub-3-1TA), filed July 8, 1981. Applicant: LAWSON LINES, INC., 170 Hillsdale Drive, Fayetteville, GA 30214. Representative: John E. Lee (same as above). *Materials, plastic film and sheeting material, equipment, and supplies related thereto and items used*

in the sale, manufacture and distribution thereof between the facilities of Borden Chemical Company, Division of Borden, Inc., and all points in the continental U.S. Supporting shipper: Borden Chemical Company, Division of Borden, Inc., 1 Clark Street, North Andover, MA 01845.

MC 124951 (Sub-3-2TA), filed July 7, 1981. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, KY 42420. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. *Malt beverages and malt beverages containers, between La Crosse, WI on the one hand, and, on the other, points in KY on the west of U.S. Hwy 31-W. Supporting shippers: William Sonny Burton, Distributors, 1750 S. Main Street, Henderson, KY 42420; Bowling Green Beer Distributors, Inc., P.O. Box 2250, Bowling Green, KY 42101.*

MC 136123 (Sub-3-18TA), filed July 7, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as above). *General commodities (except Classes A and B explosives and household goods), between the facilities of Niagra Frontier Services, Inc., its subsidiaries and affiliates at points in NY, on the one hand, and, on the other, points in the U.S. Supporting shipper: Niagra Frontier Services, Inc., 60 Dingens, Buffalo, NY 14206.*

MC 155314 (Sub-3-4TA), filed July 7, 1981. Applicant: R.C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33852. Representative: H. Barney Firestone, 10 S. La Salle Street, Chicago, IL 60603. *Meats, meat products and meat byproducts, between points in IL, IN, OH, KY, KS and IA, on the one hand, and, on the other, points in FL and GA. Supporting shipper: B. DeYoung & Co., P.O. Box 2136, Clearwater, FL 33517.*

MC 153606 (Sub-3-2TA), filed July 7, 1981. Applicant: PARK PLACE EQUIPMENT SERVICES, INC., P.O. Box 2820, Greenville, SC 29601. Representative: Francis P. Dilworth (same address as applicant). *Contract: Irregular: Fluorescent lighting fixtures and component parts from Bristol, PA to points in the U.S. in and east of WI, IL, MO, AR and LA under a continuing contract with Keystone Lighting Corporation, Bristol, PA. Supporting shipper: Keystone Lighting Corporation, Beaver St. & Rt. 13, Bristol, PA 19007.*

MC 145559 (Sub-3-5TA), filed July 7, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., Post Office Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contract: irregular routes: Carpet, from*

Cartersville, Dalton and Dublin, GA, Greenville, MS, and Dillon, SC, to Portland, OR, and Seattle, WA. *Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with the International Supply Company, Inc., d.b.a. Mohawk International. Supporting shipper: International Supply Company, Inc., d.b.a. Mohawk International, 6408 N.E. Halsey, Portland, OR 97213.*

MC 151859 (Sub-3-3TA), filed July 7, 1981. Applicant: P.B.M. COACHES, INC., 1010-6th Avenue South, Lake Worth, FL 33460. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, NW, Washington, DC 20005. *Passengers and their baggage, in the same vehicle with passengers, in roundtrip charter and special operations, beginning and ending at points in Broward, Palm Beach, Martin, St. Lucie, and Indian River Counties, FL, and extending to all points U.S. There are 15 statements of support which may be examined at the ICC Regional Office in Atlanta, GA.*

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 44445 (Sub-4-2TA), filed July 7, 1981. Applicant: HAROLD KLEIN CARTAGE, INC., 5235 North Hopkins Street, Milwaukee, WI 53209. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Commodities which, because of their size or weight, require the use of special handling or equipment, between points in Milwaukee, WI, on the one hand, and, on the other, points in IA, IL, IN, MI, and MN. Supporting shipper: Wisconsin Bridge & Iron Co., 5023 N. 35th St., Milwaukee, WI 53209.*

MC 100785 (Sub-4-2TA), filed July 1, 1981. Applicant: LAWRENCE E. BULT, d.b.a. L. BULT CARTAGE, 123 North Williams, Thornton, IL 60476. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *Zinc, ferro alloys, pig iron, salt and coke, between points in Chicago, IL, commercial zone, on the one hand, and, on the other, points in MI, IN, WI and IL. Supporting Shipper: Miller & Company, 55 East Monroe Street, Chicago, IL 60603; Associated Metals and Minerals Corp., 30 Rockefeller Plaza, New York, NY 10020; and Hickman, Williams & Company, 2021 Spring Road, Oakbrook, IL 60521.*

MC 112223 (Sub-4-7TA), filed July 7, 1981. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative:

Earl Hacking, 1700 New Brighton Blvd., Minneapolis, MN 55413. *Asphalt in bulk in tank vehicles*, from West Fargo, ND to points in MN, restricted to traffic for Mark Sand & Gravel Company. Supporting Shipper: Mark Sand & Gravel Company, Fergus Falls MN 56537.

MC 113751 (Sub-4-1TA), filed July 1, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Common; irregular; Charcoal and charcoal briquettes, and wood chips, vermiculite, lighter fluid, and accessories used in outdoor cooking, in mixed loads with charcoal and charcoal briquettes*, from: (a) Meta, MO, to Chicago, IL, and (b) Chicago, IL, to points in AR, IA, IN, KY, MI, MN, MO, OH, TN, and WI. An underlying ETA seeks 120 days authority. Supporting shippers: Standard Milling Company, P.O. Box 410, Kansas City, MO 64141; and Mark Charcoal Co., Inc., 700 North Sacramento Boulevard, Chicago, IL 60612.

MC 116073 (Sub-4-2TA), filed July 2, 1981. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., Moorhead, MN 56560. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46515. (1) *Machinery and recycling equipment*, and (2) *related products* used in the manufacture and distribution of commodities in item (1), between points in Faulkner County, AR, and points in the U.S. Supporting shipper: Calli Corporation, 10 Half Moon Way, Chandler, AZ 85224.

MC 118806 (Sub-4-7TA), filed July 7, 1981. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Blvd., Winnipeg, Manitoba R2J 3K4. Representative: Bernard J. Kompare, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Glass and glass products (except in bulk)*, from the ports of entry of The International Boundary Line between the U.S. and Canada, located in MN, ND and MT, to points in SD, NE, KS, OK, MO, WI, AR, TN, KY & IN. Supporting shipper: Canasphere Industries, Ltd., 603 High Street West, Moose Jaw, Saskatchewan S6H 1T5.

MC 120737 (Sub-4-12TA), filed July 6, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Building and construction materials, machinery, and metal products (except Classes A and B explosives, hazardous waste materials, and commodities in bulk)* between

points in the U.S. in and east of MN, IA, MO, AR and LA. An underlying ETA seeks 120 days authority. Supporting shipper: Georgia-Pacific Corp., 2210 Parklake Dr., N.E., P.O. Box 105313, Atlanta, GA 30348.

MC 126555 (Sub-4-27TA), filed July 6, 1981. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette (same as applicant). *Bentonite and Lignite Coal* between points in the U.S. Supporting shipper: American Colloid Company, P.O. Box 228, Skokie, IL 60077.

MC 134305 (Sub-4-3TA), filed July 1, 1981. Applicant: HAMM TRUCKING, INC., R.R. #1, Erie, IL 61250. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Plastic pellets or plastic powder (except in bulk) and materials and supplies used or useful in the manufacture or distribution of plastic pellets and plastic powder*, between Clinton, IA, on the one hand, and, on the other, points in VT, RI, ME, DE, MD, VA, WV, TN and FL. Supporting shipper: Chemplex Company, 3100 Golf Road, Rolling Meadows, IL 60008.

MC 135410 (Sub-4-27), filed July 6, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St. Rd., P.O. Box 286, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200-A, Park Ridge, IL 60068. *General commodities (except classes A & B explosives)* between points in the states of CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI and DC, restricted to the transportation of traffic originating at or destined to the facilities of The Richardson Company. Supporting Shipper: The Richardson Company, Melrose Park, IL 60160.

MC 139276 (Sub-R4-6TA), filed July 2, 1981. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Avenue, Bensenville, IL 60106. Representative: Grace Kasallis (same address as applicant). *Contract, irregular; machinery* between Chicago, IL Commercial Zone and points in U.S. (except AK and HI). An underlying ETA seeks 120 days authority. There are 14 supporting shippers.

MC 142001 (Sub-4-1TA), filed July 6, 1981. Applicant: RITE-GUY HAULING, INC., 7124 South Hill Road, Deforest, WI 53532. Representative: Michael J. Wyngaard, 150 East Gilman, Madison, WI 53703. *Commodities in bulk* from the facilities of Illinois Power Company at or near Baldwin, East St. Louis, and Alton, IL to MA, IN, KS, MI, MN, MO, OH and WI and from the facilities of

Wisconsin Power and Light Company at or near Sheboygan, Portage, Beloit, and Cassville, WI to IA, IL, IN, KS, MI, MN, MO and OH. Underlying ETA seeks 120 days authority. Supporting shipper: National Mineral Corporation, 27th St. and 5th Avenue South, Fargo, N.D. 58102.

MC 143280 (Sub-4-31TA), filed July 2, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Glass products, Fabricated metal products*, between Mitchell County, IA and Minneapolis and St. Paul MN, on the one hand, and, on the other, points in the U.S. Supporting Shipper: Devac, Inc. 10130 Highway 55, Minneapolis, MN.

MC 143732 (Sub-4-1TA), filed July 2, 1981. Applicant: PICK A TREAT, INC., 3820 West Wisconsin Avenue, Milwaukee, WI 53208. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *Contract irregular: Dated publications and printed matter, paper and paper products* between Milwaukee County, WI and Verona, WI on the one hand and points in MN, IA, IL, MI, IN and WI on the other hand, restricted to service under contracts with Seewhy, Inc. and Wisconsin Cuneo Press, Inc. Supporting shippers: Seewhy, Inc., 5380 N. 68th St., Milwaukee, WI 53218; Wisconsin Cuneo Press, Inc., 5400 W. Good Hope Rd., Milwaukee, WI 53223.

MC 144384 (Sub-4-1TA), filed July 1, 1981. Applicant: SOYA, INC., Box 396, Dawson, MN 56232. Representative: Ronald C. Anderson, Box 130, Willmar, MN 56201. *Agricultural machinery and equipment, spare parts and return parts for fertilizer spreaders, truck spreaders, truck sprayers, fertilizer tenders and fertilizer trucks* from Willmar, MN to Wichita, KS, Grand Island, NE, Philo, IL, Botkins, OH, Boonville, MO and return. Supporting shippers: Fairbank Equipment, Inc., 3700 Jewell Wichita, KS and Fertilizer Dealer Supply, Inc., Philo, IL 61864.

MC 145974 (Sub-4-6TA), filed July 7, 1981. Applicant: HIDATCO, INC., P.O. Box 649, New Town, ND 58783. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58128. *Contract irregular: Such commodities as are dealt in, or used by, hardware stores, lumber yards, and home improvement centers*, from points in WA, OR, ID, CA, MT and WY, to points in ND, SD, MT, MN, WI, IL, IA, NE, KS, MO, OK, CO, WY, and MI, under contract(s) with Our Own

Hardware Company of Burnsville, MN. Supporting shipper: Our Own Hardware, 2300 West Hwy. 13, Burnsville, MN 55337.

MC 146636 (Sub-4-4TA), filed July 6, 1981. Applicant: J. K. SMITH, P. SMITH AND M. R. SMITH, d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: JACK L. SHULTZ, P.O. Box 82028, Lincoln, NE 68501. *Clay, concrete, glass or stone products, between points in MN, on the one hand, and, on the other, points in the U.S.* Supporting shipper: Minnesota Tile Supply, a Division of Dale Tile Company, 4825 France Avenue North, Minneapolis, MN 55429.

MC 147039 (Sub-4-12TA), filed July 1, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Rd., Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. *Machinery and industrial building materials between points in AL, AR, AZ, CA, CO, CT, DC, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NB, NH, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, UT, VT, VA, WV, WA, WI, WY, on the one hand and TX on the other.* Supporting shipper: Ford Motor Company, One Parklane Blvd., Parklane Tower East, Suite 200, Dearborn, MI 48121.

MC 147771 (Sub-4-3TA), filed July 1, 1981. Applicant: RALPH J. MARQUARDT & SONS, INC., P.O. Box 1040, Yankton, SD 57078. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. *Metal articles, (1) Between points in Madison County, NE, on the one hand, and, on the other, points in AZ, CA, CO, IA, IL, IN, KS, MN, MO, MT, NE, ND, NV, OR, SD, WA, WI and WY, and (2) From Chicago, IL, to Vermillion, SD.* Supporting shipper: Norfolk Iron & Metal Company, P.O. Box 1129, Norfolk, NE 68701.

MC 148930 (Sub-4-7TA), filed June 30, 1981. Applicant: AERO DELIVERIES, INC., 529 Gidley Dr., Grand Haven, MI 49417. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract irregular: General commodities (except in bulk, Classes A and B explosives, and household goods as defined by the Commission) between points in IL and MI, under a continuing contract with Encyclopaedia Britannica, Inc.* Supporting shipper: Encyclopaedia Britannica, Inc., 425 N. Michigan Ave., Chicago, IL 60611.

MC 149308 (Sub-4-5TA), filed July 6, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Box P, Sellersburg, IN 47172.

Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contract; irregular paper and paper products and plastic and plastic products, and materials, equipment and supplies used in the manufacture of such products (except in bulk), between the facilities of St. Regis Paper Co., at or near Louisville, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restriction: Restricted to the transportation of shipments handled under a continuing contract(s) with St. Regis Paper Co.* Supporting shipper: St. Regis Paper Co., 150 E. 42nd Street, New York, NY 10017.

MC 150746 (Sub-4-20TA), filed July 2, 1981. Applicant: DFC TRANSPORTATION COMPANY, P.O. Box 929, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle Street, Suite 600, Chicago, IL 60603. *Building materials and materials, equipment and supplies used in the manufacture, sale or distribution thereof, between Elgin, Chicago and Mundelein, IL and Deerfield, WI on the one hand, and, on the other, points in the U.S.* Supporting shipper: Macor, Inc., 801 N. State, P.O. Box 77 Elgin, IL 60120.

MC 150746 (Sub-4-21TA), filed July 6, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Dr., P.O. Box 929, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle Street, Suite 600, Chicago, IL 60603. *(1) Malt beverages and related advertising materials; (2) Empty used beverage containers and materials and supplies used in and dealt with by breweries. (1) from Jefferson County, CO to: TN, LA, and MS; (2) from TN, LA, and MS to Jefferson County, CO.* Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 150798 (Sub-4-7TA), filed July 6, 1981. Applicant: CKR TRANSPORT LTD., P.O. Box 599, Elmhurst, IL 60126. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Chemicals and related articles and food and related products from points in IL (except Chicago) on the one hand, and, on the other, points in the U.S. (except AK and HI).* Supporting shipper: Alberto-Culver Company, 2525 Armitage Ave, Melrose Park, IL 60160.

MC 150746 (Sub-4-22TA), filed July 7, 1981. Applicant: DFC TRANSPORTATION COMPANY, P.O. Box 929, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle Street, Suite 600, Chicago, IL 60603. *Pulp board and materials, equipment and supplies used in the manufacture, sale or distribution thereof, between points in Coshocton County, OH on the one hand, and, on*

the other, points in NJ, NY, PA, IL, IN, MO, MI, MA and MD. Supporting shipper: Stone Container Corporation, 500 North Fourth Street, Coshocton, OH 43812.

MC 151823 (Sub-4-1TA), filed July 6, 1981. Applicant: PETER C. POKORSKI, d.b.a. PETE'S TRUCKING, 4315 Silver Creek Rd., Manitowoc, WI 54220. Representative: Michael S. Varda, P.O. Box 2509, 121 South Pinckney Street, Madison, WI 53701. *Malt beverages from Memphis, TN to Appleton, Cleveland, and Shawano, WI, and, on return, empty containers and pallets.* An underlying ETA seeks 120 days authority. Supporting shippers: Travis Distributing, Inc., 237 Humphrey Circle, Shawano, WI 54186; Lewis Distributing, Inc., P.O. Box 98, Cleveland, WI 53015; and Dougherty Sales, Inc., 911 S. Lynndale Drive, Appleton, WI 54911.

MC 154948 (Sub-4-3TA), filed July 7, 1981. Applicant: LARSON SERVICE COMPANY, INCORPORATED, 1132 Chateaugay Avenue, Naperville, IL 60540. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract; Irregular: Paper, Paper Articles, and Printed Matter, (1) Between Fresno, CA, on the one hand, and, on the other, Naperville, IL and Monson, MA, under continuing contract(s) with Litton Financial Printing located in Naperville, IL; and (2) Between Lockport, IL, on the one hand, and, on the other, Ft. Smith, AR; Anaheim, Gustine, Los Angeles, Oakland, and Sacramento, CA; LaPorte, IN; and Highstown, NJ, under continuing contract(s) with Georgia Pacific Corp. located in Lockport, IL. Supporting shippers: Georgia Pacific Corp., #1 Label Lane, Lockport, IL 60441; Litton Financial Printing, 1560 W. Ogden Ave., Naperville, IL 60540.*

MC 154948 (Sub-4-4TA), filed July 7, 1981. Applicant: LARSON SERVICE COMPANY, INCORPORATED, 1132 Chateaugay Avenue, Naperville, IL 60540. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract; Irregular: Plastic Bags, Putty, Glazing Compounds, and Spackling Compounds, Between Aurora, IL, on the one hand, and, on the other, Tustin, CA; Omaha, NE; Lincoln, NE; Kansas City, MO; Little Rock, AR; Cleveland, OH; Columbus, OH; Springfield, MA; Memphis, TN; Newark, NJ; and Boston, MA, under continuing contract(s) with North American Plastics Corporation located in Aurora, IL. Supporting shipper: North American Plastics Corporation, 921 Industrial Drive, Aurora, IL 60506.*

MC 155826 (Sub-4-2TA), filed July 7, 1981. Applicant: TRAFICO, INC., P.O. Box 328, Columbia City, IN 46725. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *General commodities (except Classes A and B explosives)*, between St. Joseph and Whitley Counties, IN, on the one hand, and, on the other, NE and points in the U.S. in and east of WI, IA, MO, AR and TX. Supporting shippers: There are six statements of support attached.

MC 156047 (Sub-4-1TA), filed July 2, 1981. Applicant: ALLWAY TRANSPORT INC., 1949 Kingshighway, Washington Park, IL 62204. Representative: Roza Gossage, 209 S. Jackson, Belleville, IL 62221. *Machinery and machinery parts, metal products, waste and scrap metals* between points in St. Louis, MO and East St. Louis, IL to points in IL, IN, KY, FL, OH, MI, MO, TN, KS, OK, AR, TX, LA, MS, AL, and IA. Supporting shippers: McHenry Metals Products Co., Inc., 3838 Cote Brillante, St. Louis, MO. Southwest Parts Supply, 1959 State St., East St. Louis, IL. Foxtex Co., 1949 B Kingshighway, Washington Park, IL 62204.

MC 156133 (Sub-4-4TA), filed July 6, 1981. Applicant: TRI STATE TIRE & RUBBER, INC. d.b.a. TANDEM TRANSPORT, 322 U.S. Highway 20 West, Michigan City, IN. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Composition board*, from the facilities of Abitibi-Price Corporation at or near Alpena, MI, Toledo, OH and Roaring River, NC, to points in that part of the U.S. in and east of MN, IA, MO, AR and LA. Supporting shipper(s): Abitibi-Price Corporation, 3250 West Big Beaver Road, Troy, MI 48064.

MC 156403 (Sub-4-1TA), filed June 29, 1981. Applicant: JAMES J. CAMALICK, d.b.a. J. AND J. CARTAGE, 18658 Henry Street, Lansing, IL 60438. Representative: Robert C. Collins, Jr., 850 Burnham Avenue, Calumet City, IL 60409. *Recyclable Products* between points within the States of IL, IN, MI, OH and WI. Supporting shipper: Loop Recycling, Inc., Chicago, IL.

MC 156500 (Sub-4-2TA), filed July 1, 1981. Applicant: VANDCO, INCORPORATED, 1400 Division Street, Marquette, MI 49855. Representative: Jere B. Stafford, 1400 Division Street, Marquette, MI 49855. *Contract: Irregular: Such commodities as are used by or dealt in by wholesale and retail grocery and food business houses.* Between points in upper peninsula MI and WI on the one hand, and, on the other, the facilities of John Sexton & Co. at Minneapolis and Hopkins, MN, Kansas City, KS, Maryland Hts., MO, Elk Grove

Village and Lyons, IL, Romulus, MI, Cincinnati, OH, and Indianapolis, IN; also from facilities of John Sexton & Co. at Kansas City, KS, Indianapolis, IN, to Minneapolis and Hopkins, MN, Elk Grove Village and Lyons, IL. Supporting shipper: John Sexton & Co., 222 S. Riverside Plaza, Chicago, IL 60606.

MC 156638 (Sub-4-1TA), filed July 6, 1981. Applicant: BIRD GRAIN CO., INC., 301 Pearl Street, Elk Point, SD 57025. Representative: D. Douglas Titus, 340 Insurance Exchange Building, Sioux City, IA 51101. *Contract: irregular: (1) Trailers; and (2) Materials, equipment and supplies*, between Elk Point, SD, and points in the U.S., except AK and HI; under contract(s) with CMI Load King, a Division of CMI Corporation. Supporting shipper: CMI Loan King, a Div. of CMI Corporation, Box 427, Elk Point, SD 57025.

MC 156775 (Sub-4-1TA), filed July 1, 1981. Applicant: KENNETH FRED HAGEMAN and KENNETH J. HAGEMAN, d.b.a. HAGEMAN TRUCKING, Rural Route 2, Plano, IL 60542. Representative: Paul J. Maton, 10 South LaSalle Street, Suite 1620, Chicago, IL 60603. *Contract: irregular: Beer and materials used in the distribution of beer* between Milwaukee, WI and Batavia, IL under continuing contracts with Fox River Distributing Corporation of Batavia, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Fox River Distributing Corporation, 1681 Hubbard, Batavia, IL 60510.

MC 156908 (Sub-4-1TA), filed July 2, 1981. Applicant: AMTRANS, INC., P.O. Box 04704, Milwaukee, WI 53204. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract: irregular: (1) fruit juices, fruit drinks, oleomargarine, fixtures, and exempt agricultural commodities in mixed loads with the above commodities* from the facilities of Cedarburg Dairy, Inc., in WI, to points in IL on and north of IL Hwy 17; and (2) *materials, equipment and supplies used in the production and distribution of the commodities named in (1), above*, from points in IL on and north of IL Hwy 17, to the facilities of Cedarburg Dairy, Inc., in WI. Supporting shipper: Cedarburg Dairy, Inc., W55, N155 McKinley Blvd., Cedarburg, WI 53012.

MC 156909 (Sub-4-1TA), filed July 2, 1981. Applicant: MIDWEST CONSOLIDATORS, INC., 32493 Schoolcraft, Livonia, MI 48150. Representative: Robert E. McFarland, 2855 Coolidge, St. 201A, Troy, MI 48064. *Automobile parts, materials, equipment and supplies used in the manufacture*

and production of automobiles and automobile parts, between points in DE, IL, MI, MO, OH, PA, and CA, on the one hand, and, on the other, ports of entry on the International Boundary Line between the U.S. and Mexico, located in TX. Supporting shippers: Chrysler Corporation, P.O. Box 1976, Detroit, MI 48288; Tebo, S.A., Ferrocarril No. 5, APDO Postal No. 243, Naucalpan, Edo de Mexico; Macopel S.A. de C.V., AP Postal 14156, Mexico City, 14 D.F.; Nacional De Cobre-Nacobre, Poniente 134 No. 719, Mexico 16, D.F.

MC 156932 (Sub-4-1TA), filed July 7, 1981. Applicant: PALLET PRODUCTS, INC., P.O. Box 70, Des Plaines, IL 60016. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. *Contract: irregular: Such commodities as are dealt in by manufacturers of corrugated sheets*, between points in the U.S. under continuing contract with Corrugated Supplies Corporation. Supporting shipper: Corrugated Supplies Corporation, 5101 West 65th Street, Chicago, IL 60638.

MC 156945 (Sub-4-1TA), filed July 2, 1981. Applicant: E L M TRANSIT CO., Rural Route #1, Springfield, IL 62707. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth Street, Springfield, IL 62703. *Printed matter, magazines, periodicals, & parts thereof* between Cincinnati, OH, on the one hand, and, points in the states of IL, MO, & IA on the other hand. Supporting shipper is Triangle Publications, Inc., P.O. Box 500, Radnor, PA 19088.

MC 156982 (Sub-4-1TA), filed July 6, 1981. Applicant: BOB MASTRE, INC., P.O.B. 1500, Fargo, ND 58107. Representative: Robert N. Maxwell, P.O.B. 2471, Fargo, ND 58108. *Contract: irregular: Food and related products, construction materials and machinery*, between Fargo, ND and Minneapolis, MN, on the one hand, and, on the other, points in the U.S., under contract(s) with General Nutrition Mills, Inc., Fargo, ND; Robert Gibb & Sons, Inc., Fargo, ND; Fargo Water Equipment Co., Fargo, ND; Material Handling Engineers, Inc., Bloomington, MN; and Clarklift of North Dakota, a Division of Material Handling Engineers, Inc., West Fargo, ND. Supporting shippers: General Nutrition Mills, Inc., 1301 North 39th Street, Fargo, ND 58108, Robert Gibb & Sons, Inc., 205 Southwest 40th Street, Fargo ND 58107; Fargo Water Equipment Co., 2410 5th Avenue N, Fargo, ND 58102; Material Handling Engineers, Inc., 501 West 78th Street, Bloomington, MN 55420; and Clarklift of North Dakota, a Division of

Material Handling Engineers, Inc., 1734 East Main, West Fargo, ND 58078.

MC 156986 (Sub-4-1TA), filed July 7, 1981. Applicant: FIVE STAR TRUCKING, INC., 14934 Minnetonka Industrial Road, Minnetonka, Minnesota 55343. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Such commodities as are dealt in by wholesale and retail auto parts businesses, between Minneapolis, MN, and points in its commercial zone, on the one hand and, on the other, points in MT, ND, SD, NE, IA, WI, the upper peninsula of MI and Moline, IL.* Supporting shipper: There are five supporting shippers.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 9291 (Sub-5-7TA), filed July 6, 1981. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, Centerville, KS 66014. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110 Topeka, KS 66612. Part 1: *Shortening and chemicals, from the Commercial zone of Dallas-Ft. Worth, TX to the Commercial Zones of Emporia, KS and Kansas City, KS-MO;* Part 2: *Bagged sugar from the Commercial zone of Houston, TX to the Commercial zones of Emporia, KS and Kansas City, KS-MO;* Part 3: *Paper products from the Commercial zone of Grant Park, IL to the Commercial zones of Emporia, KS and Kansas City, KS-MO;* Part 4: *Paper products from the Commercial zones of Newman, GA and Blue Island, IL to the Commercial zones of Emporia, KS and Kansas City, KS-MO;* Part 5: *Shortening from the Commercial zone of Jacksonville, IL to the Commercial zones of Emporia, KS and Kansas City, KS-MO;* Part 6: *Raisins from points in CA to points in the Commercial zones of Emporia, KS and Kansas City, KS-MO;* Part 7: *Powdered eggs from the Commercial zone of Chicago, IL to the Commercial zones of Emporia, KS and Kansas City, KS-MO;* Part 8: *Ingredients and articles useful in the baking, packaging and distribution of baked goods between the Commercial zone of Kansas City, MO on the one hand and the Commercial zone of Emporia, KS on the other hand;* Part 9: *Containers between points in MT; WY; WY; CO; NM; ND; SD; NE; KS; OK; TX; MN; IA; MO; AR; LA; WI; IL; MS; AL; TN; KY; IN; OH; and MI on the one hand and the Commercial zones of Kansas City, KS-MO and Emporia, KS on the other hand and Part 10: *Baked goods between Kansas City, KS-MO Commercial zone and Emporia, KS**

Commercial zone on the one hand and MT; WY; CO; NM; ND; SD; NE; KS; OK; TX; MN; IA; MO; AR; LA; WI; IL; MS; AL; TN; KY; IN; OH; and MI on the other hand. Supporting shipper: Interstate Brands, Inc., 1525 Industrial Rd., Emporia, KS 6680.

MC 106398 (Sub-5-70TA), filed July 6, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same as above). *Anthracite coal from: Locust Summit, PA to: Points in the U.S. in and East of ND, SD, NE, KS, OK, and TX.* Supporting shipper: Infilco Degremont, Inc., 2828 Emerywood Parkway, Post Office Box 29599, Richmond, VA 23229.

MC 110567 (Sub-5-5TA), filed July 6, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. *Foodstuffs (sweeteners), between Carroll County, IL, on the one hand, and, on the other, pts in the U.S. (except AK and HI).* Supporting shipper: Finn-Cal Sweetener Company, P.O. Box 488, Thomson, IL 61285.

MC 124174 (Sub-5-51TA), filed July 6, 1981. Applicant: MOMSEN TRUCKING CO., 13811 I Street, Omaha, NE 68137. Representative: Karl E. Momen (same as above). *Charcoal, charcoal briquettes, hickory chips, fireplace logs, and materials, equipment and supplies used in the manufacture, sale and distribution thereof, between the Kingsford Charcoal plant located in Parsons, WV and all pts in the USA.* Supporting shipper(s): The Kingsford Company, 1700 Commonwealth Building, Louisville, KY 40201.

MC 133262 (Sub-5-4TA), filed July 6, 1981. Applicant: TIGGES TRUCKING, INC., 5071 JFK Road, Dubuque, IA 52001. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Sand and gravel, in bulk, from (1) Dubuque, IA to pts in Crawford, Grant and Lafayette Counties, WI and Jo Daviess County, IL, and (2) from East Dubuque, IL to pts in Dubuque, Jackson, Jones, Delaware, Clinton, and Linn Counties, IA and Crawford, Grant and Lafayette Counties, WI.* Supporting shipper(s): Dubuque Sand and Gravel Co., Rural Route, East Dubuque, IL 61025.

MC 142697 (Sub-5-2TA), filed July 6, 1981. Applicant: R & M TRUCK LINE, INC., P.O. Box 422, Oskaloosa, IA 52577. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Malt beverages, between Union, MO, on the one hand, and, on the other, Detroit, MI; Chicago, IL; Memphis, TN; Fort Wayne, IN;*

Peoria, IL; and Milwaukee, WI. Supporting shipper: Jim's Distributing Co., Inc., 201 Franklin Avenue, Union, MO 63084.

MC 143043 (Sub-5-2TA), filed July 6, 1981. Applicant: WATSON COMPANY, Rt. 2, Box 440, Colfax, LA 71417. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Chemicals and related products, and materials, equipment and supplies used in the manufacture and distribution of such commodities, between points in AR, LA and MS, on the one hand, and, on the other, points in the U.S.* Supporting shipper: Vertac Chemical Corp., P.O. Box 3, Vicksburg, MS 39180.

MC 147743 (Sub-5-2TA), filed July 6, 1981. Applicant: GEMINI TRANSPORT, INC., Nashville Avenue Wharf, New Orleans, LA 70115. Representative: Martin Stierenbuch, Esq., 1919 Pennsylvania Ave., N.W., Suite 200, Washington, DC 20006. *Irrigation pipes, irrigation systems and pumps from Valley, NE to New Orleans, LA.* Supporting shipper: W.A.B. & Associates, 344 Camp St., New Orleans, LA 70130.

MC 148045 (Sub-5-1TA), filed July 6, 1981. Applicant: QUAD CITY SPOTTING SERVICE, INC., 1607 West River Drive, P.O. Box 17150, Fort Worth, TX 76102. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *General commodities (except classes A and B explosives), between Davenport, IA, on the one hand, and, on the other, pts in IL, IN, IA, MI, MN and WI, restricted to the transportation of shipments having a prior or subsequent movement by rail.* Supporting shipper: Midwest Shippers Agents, Inc., 407 Cleveland Building, 1705 2nd Avenue, Rock Island, IL 61201.

MC 154646 (Sub-5-7TA), filed July 6, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Avenue, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Clay, concrete, glass or stone products, between the facilities of Sioux City Brick & Tile Co., and United Brick & Tile Co. of IA, on the one hand, and, on the other, pts in the U.S.* Supporting shipper: Sioux City Brick & Tile Co. and United Brick & Tile Co. of IA, P.O. Box 807, 22 Commerce Building, Sioux City, IA 51102.

MC 154768 (Sub-5-8TA), filed July 6, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 2165 N.W. 108th, Des Moines, IA 50322. Representative: Harold W. Sternberg, 2165 N.W. 108th, Des Moines, IA 50322. *Contract irregular women's apparel, (1) between pts in IA,*

(2) between pts in IA, on the one hand, and, on the other, Omaha, NE, under continuing contract(s) with Mid West Fashions, Omaha, Nebraska. Supporting shipper: Mid West Fashions, 3505 South 61st Ct., Omaha, NE 68106.

MC 156079 (Sub-5-5TA), filed July 6, 1981. Applicant: CIRCLE "C" CARRIERS, INC., P.O. Box 8158, Little Rock, AR 72216. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. *Building materials* between Bradley County, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Masonite Corporation, Sykes Flooring Products Division, P.O. Box 9991, Warren, AR 71671.

MC 158142 (Sub-5-1TA), filed July 6, 1981. Applicant: HARBISON-REED TRANSPORT, INC., P.O. Box 10067, Metairie, LA 70181. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Lubricants, chemicals, fertilizers, petroleum products, steel containers, and plastics*, between New Orleans, LA, on the one hand, and, on the other, points in TN, KY, VA, NC, SC, MS, AL, PA, GA, OH, WV, AR and TX. Supporting shipper: Delta Petroleum Co., Inc., P.O. Box 10397, Jefferson, LA 70181.

MC 156381 (Sub-5-2TA), filed July 6, 1981. Applicant: BIG O TRUCKING, INC., Post Office Box 668, Van Buren, AR 72956. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Such Commodities as are dealt in Chain Grocery and Food Business Houses*—Between the facilities of Griffin Wholesale Grocery Distributors, Inc., at or near Van Buren, AR, on the one hand, and, on the other, points in the U.S. Supporting shipper: Griffin Wholesale Grocery Distributors, Post Office Box 126, Van Buren, AR 72956.

MC 156503 (Sub-5-1TA), filed July 6, 1981. Applicant: WILLIAM J. TEMAAT, 615 Parkview, Oakley, KS 67748. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Toppings, syrups and flavorings*, between Bonner Springs, KS on the one hand and Denver, CO on the other hand. Supporting shipper: Mile Hi Frozen Foods Co., 1917 Denargo Market, Denver, CO 80216.

MC 156965 (Sub-5-1TA), filed July 6, 1981. Applicant: HARWARD & SONS FREIGHT, INC., R.R. #3, Fairfield, IA 52556. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Primary metal products*, (1) from Jefferson County, IA, to pts in IL, KS, MO, NE, and Tulsa, OK; and (2) from Lee County, IA, to pts in IL. Supporting shippers:

Iowa Malleable Iron Co., 9th and Kirkwood, Fairfield, IA 52556 and Keokuk Diecasting, Division of St. Louis Diecasting Group of Hayes-Albion, P.O. Box 767, Main Street Road, Keokuk, IA 52632.

MC 156966 (Sub-5-1TA), filed July 6, 1981. Applicant: T BREWER TRANSPORT, INC., 5465 Blair Rd., Suite 201, Dallas, TX 75231. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Plastic or Rubber Articles and Materials Equipment and Supplies used in the manufacture or distribution of Plastic or Rubber Articles* between points in the U.S. Restricted to shipments originating at or destined to the facilities of Winkler Flexible Products, Inc. Supporting shipper: Winkler Flexible Products, Inc., 13435 So. Main St., Los Angeles, CA 90061.

MC 156967 (Sub-5-1TA), filed July 6, 1981. Applicant: WAYNE MILLINGTON TRUCKING COMPANY, P.O. Box 169, Advance, MO 63730. Representative: Wayne Millington (same address as applicant). Contract: Irregular, *Limestone rock with dump trucks and dump trailers*, from Dongola, IL to Sikeston, MO. Supporting shipper: Sikeston Board of Municipal Utilities, P.O. Box 370, Sikeston, MO 63841.

MC 156969 (Sub-5-1TA), filed July 6, 1981. Applicant: JAMES E. WALLIS, d.b.a. JIM WALLIS TRUCKING, 1915 East 10th Street, Shawnee, OK 74801. Representative: Erle W. Francis, Esq., 719 Capitol Federal Bldg., Topeka, KS 66603. Contract: Irregular, *Restaurant equipment*, between all points and places in the U.S. except AK and HI. Under continuing contracts with Topeka Hotel Supply, Inc., 3802 Topeka Ave., Topeka, KS 66609. Stevenson Restaurant Supply Company, Inc., 805 North Kansas, Topeka, KS 66608.

MC 123285 (Sub-5-4TA), filed July 7, 1981. Applicant: CLETEX TRUCKING, INC., P.O. Box 812, Cleburne, TX 76031. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. *Dry commodities in bulk*, between points in the United States in and west of WI, IL, MO, AR, and MS. Supporting shipper: Halliburton Services, Drawer 1431, Duncan, OK 73536.

MC 128273 (Sub-5-42TA), filed July 8, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). *General Commodities (except class A and B explosives and household goods as defined by the Commission)*, between points in the US (except AK and HI). Restricted to traffic which originates at or is destined to facilities of the Echlin

Mfg. Co., its subsidiaries and affiliates. Supporting shipper: Echlin Mfg. Co., P.O. Box 142, Branford, CT 06405.

MC 150008 (Sub-5-4TA), filed July 7, 1981. Applicant: KUELLA, INC., Route 2, King City, MO 64463. Representative: Michael A. Knepper, Lee Reeder, 310 Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. Contract, irregular, *metal products and materials and supplies used in the manufacture of metal products* between points in the U.S. under continuing contracts with Century Brass Products, Inc., Century Park, Waterbury, CT 06720.

MC 150008 Sub-5-5TA), filed July 7, 1981. Applicant: KUELLA, INC., Route 2, King City, MO 64463. Representative: Michael A. Knepper, Lee Reeder, 310 Midland Building, 1221 Baltimore Avenue, Kansas City, MO 64105. Contract, irregular, *animal hides, raw, salted, fully and partially tanned*, between St. Joseph, MO on the one hand and Milwaukee, WI and Chicago, IL on the other under continuing contract(s) with Prime Tanning, Inc., Berwick, ME 03901.

MC 151660 (Sub-5-5TA), filed July 7, 1981. Applicant: IMPALA TRANSPORTATION SERVICES INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same as applicant). Contract: Irregular, *Drugs, Medicines, Toilet Preparations, Plastic Articles, Feed Supplements and Weed Killing compounds* between all points in the U.S. under continuing contract with Eli Lilly and Company.

MC 151660 (Sub-5-4TA), filed July 7, 1981. Applicant: IMPALA TRANSPORTATION SERVICES INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same as applicant). *Freight all kinds, General Commodities* between the facilities of McElroy Metal Mill Inc. and all points in the U.S. Supporting shipper: McElroy Metal Mill Inc., Shreveport LA.

MC 152366 (Sub-5-2TA), filed July 8, 1981. Applicant: AMERICAN COLLOID CARRIER CORP., P.O. Box 951, Scottsbluff, NE 69361. Representative: James P. Beck, 717-17th Street, Suite 2600, Denver, CO 80202. *Minerals and mineral products*, from Custer County, SD to pts in the U.S. (except AK and HI). Supporting shipper: Pacer Corp., P.O. Box 912, Custer, SD 57730.

MC 154723 (Sub-5-3TA), filed July 7, 1981. Applicant: C. M. PENN & SONS, INC., Route 1, Box 349A, Greenwell Springs, LA 70739. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Waste materials and hazardous and/or non-hazardous materials*; between points in TX on the

one hand, and, on the other, Lake Charles, LA. Supporting shippers: Denka Chemical Corporation, 8701 Park Place Blvd., Houston, TX 77017.

MC 155493 (Sub-5-1TA), filed July 8, 1981. Applicant: ACADIANA LIMOUSINE SERVICE, INC., P.O. Box 2143, Lafayette, LA 70502. Representative: James O. Feigler (same as applicant). *Passengers and their baggage in offshore crew changes between points in LA, TX & MS.* Supporting shippers: Transworld Drilling Co., Lafayette, LA 70505. Global Marine Drilling Co., Lafayette, LA 70501.

MC 156693 (Sub-5-1TA), filed July 7, 1981. Applicant: LYNN D. PLETCHER AND PAULETTE PLETCHER, d.b.a. PLETCHER TRUCKING, 450 Coombs Drive, Aurelia, IA 51005. Representative: D. Douglas Titus, Bikakis, Titus, Vohs & Storm, 340 Insurance Exchange Building, Sioux City, IA 51101. Contract irregular (1) *Food and related products; and (2) Articles used or distributed by food and variety stores, between points in IA, MN, NE, and SD; under contract(s) with Hy-Vee Food Stores, Inc., 1010 Riverview Drive, Cherokee, IA 51012.*

MC 158841 (Sub-5-1TA), filed July 8, 1981. Applicant: ANTHONY B. FOSTER, d.b.a. FOSTER TRANSPORT, 1119 "M" Street, Belleville, KS 66935. Representative: Eugene W. Hiatt, Hiatt, Hiatt & Carpenter, Chartered, 207 Casson Building, 603 Topeka Boulevard, Topeka, KS 66603. *Expanded, sintered, clay and shale. Between Ottawa, KS, Marquette, KS and Lincoln, NE, Omaha, NE, Nebraska City, NE.* Supporting shipper: NEBCO Industries, 18th and Y Street, Lincoln, NE 68508.

MC 157012 (Sub-5-1TA), filed July 8, 1981. Applicant: BUCK'S TRANSPORT CO., R.R. No. 1, Box 81, Bethany, MO 64424. Representative: Ronald A. Baybayan, 4111 Hubbell Avenue, Des Moines, IA 50317. *Metal Products and Asphalt between Chicago, IL on the one hand and on the other, points in KS, IA and MO, and between Wichita, KS on the one hand and on the other, points in WI, MO, IA and IL and between Kansas City, MO on the one hand, and, on the other, points in IA and IL.* Supporting shippers: Central Steel and Wire Co., 3000 West 51st Street, Chicago, IL 60680 and Jack Kester Company, 2629 Esthner Court, Wichita, KS 67213 and Mid-American Asphalt Co., 4900 Blue Parkway, Kansas City, MO 64130.

MC 117765 (Sub-5-22TA), filed July 9, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same as applicant). *Petroleum, natural gas and their products, between points in Sedgwick County, KS, on the one*

hand, and, on the other, points in AR, CO, LA, NM, OK, TX and WY. Supporting shipper: Getty Refining & Marketing Company, P.O. Box 1650, Tulsa, OK 74102.

MC 119399 (Sub-5-75TA), filed July 10, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64802. Representative: Keith R. McCoy (address same as applicant). *Chemicals and related products (except classes A and B explosives and hazardous or toxic wastes), from Memphis, TN to Atlanta, IL.* Supporting shipper: Nor-Am Agricultural Products, Inc., Naperville, IL.

MC 121517 (Sub-5-12TA), filed July 10, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st E. Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same as above). *Coal, from Okmulgee County, OK, to Dallas, TX.* Supporting shipper: General Portland, Inc., P.O. Box 324, Dallas, TX.

MC 124236 (Sub-5-21TA), filed July 10, 1981. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Lee Carpenter (same as applicant). *Cement in bags and bulk, and mineral filler in bulk, between points in LA, MS, AL, and FL.* Supporting shipper: Lone Star Industries, Inc., 14900 Intracoastal Drive, New Orleans, LA 70129.

MC 125535 (Sub-5-14TA), filed July 10, 1981. Applicant: NATIONAL SERVICE LINES INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald Helm (same as applicant). Contract: Irregular. (1) *Copper, copper products, wire and cable, flexible steel conduit, wrought steel pipe, and (2) commodities used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk in tank vehicles), between the facilities of Cerro Wire and Cable Company, Inc., on the one hand, and, on the other, points in the U.S. (except AK and HI).* Supporting shipper: Cerro Wire and Cable Company, Inc., 5500 Maspeth Avenue, Maspeth, NY 11378.

MC 139182 (Sub-5-1TA), filed July 9, 1981. Applicant: ATLAS DELIVERY SERVICE, INC., P.O. Box 1514, Athens, TX 75751. Representative: Greg Muirhead, P.O. Box 1514, Athens, TX 75751. Contract: Irregular. *General Commodities (except classes A and B explosives and household goods as defined by the Commission) between points in the U.S. Under continuing contract with Domestic, Inc. of Bloomington, IL and its subsidiaries.*

Supporting shipper: Domestic, Inc., P.O. Box 2798, Bloomington, IL 61701.

MC 139182 (Sub-5-2TA), filed July 9, 1981. Applicant: ATLAS DELIVERY SERVICE, INC., P.O. Box 1514, Athens, TX 75751. Representative: Greg Muirhead, P.O. Box 1514, Athens, TX 75751. Contract: Irregular. *Plastic or Rubber Articles and Materials Equipment and Supplies used in the manufacture or distribution of Plastic or Rubber Articles between Jacksonville, TX on the one hand, and, on the other, pts. in the U.S. Restricted to shipments originating at or destined to the facilities of Nichols-Kusan, Inc. Supporting shipper: Nichols-Kusan, Inc., P.O. Box 1911, Jacksonville, TX.*

MC 144693 (Sub-5-2TA), filed July 10, 1981. Applicant: GLENN'S TRUCK SERVICE, INC., No. 1 Product Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. (1) *Printed matter, paper, and paper products, and (2) equipment, materials, and supplies, used in the manufacture, distribution, or sale of the commodities in (1) above, between Jefferson, Randolph, Marion, and Effingham Counties, Illinois, on the one hand, and, on the other, points in TX, NM, AZ, CO, NV, UT, ID, OK, WA, MT, OR, WY, and CA.* Supporting shipper: World Color Press, R.R. 45 South, P.O. Box 1248, Effingham, Illinois 62401.

MC 146553 (Sub-5-13TA), filed July 10, 1981. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Steep pipe and tubing, from the facilities of Central Steel Tube Co. at or near Clinton, IA to pts. in CA, CO, KS, LA, NM, NV, OK, TX AND UT.* Supporting shipper(s): Central Steel Tube Co., Box 55, Clinton, IA 52732.

MC 147070 (Sub-5-1TA), filed July 9, 1981. Applicant: JERNIGAN BROTHERS, INC., P.O. Box 75510, Oklahoma City, OK 73147. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Oilfield Commodities as defined by the Commission in T. E. Mercer Ext.—Oilfield Commodities, 46 MCC 845 between points in AR, CO, LA, NM, OK, TX and WY.* Supporting shipper(s): 15.

MC 147348 (Sub-5-7TA), filed July 10, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: JAMES M. DUCKETT, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Paper and Paper Products, from the facilities of American Can Company,*

at Meridian, MS and Naheola, AL, to all points in AR. Supporting shipper: American Can Co., Meridian, MS.

MC 147743 (Sub-5-3TA), filed July 9, 1981. Applicant: GEMINI TRANSPORT, INC., Nashville Avenue Wharf, New Orleans, LA 70115. Representative: Martin Sterenbuch, Esq., 1919 Pennsylvania Ave., N.W., Suite 200, Washington, DC 20006. *General Commodities in containers or trailers from New Orleans, LA to AR.* Supporting shipper: M. G. Maher & Company, New Orleans, LA.

MC 148021 (Sub-5-1TA), filed July 9, 1981. Applicant: TRUXILLO DELIVERY SERVICE, INC., 364 Hord Street, Harahan, LA 70123. Representative: Michael Truxillo, 2221 Pasadena Street, Metairie, LA 70001. *Foodstuffs and the supplies and ingredients used in their manufacture including candy, confectionery, other commodities requiring refrigerated transportation, and concession supplies, between all points in LA, TX, AR, FL, AL and MS.* Supporting shipper: Blevins Popcorn Company, 1017 Jefferson Highway, Jefferson, Louisiana; Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266.

MC 148152 (Sub-5-9TA), filed July 10, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar Street, Dallas, TX 75215. Representative: Edmond E. Payne, 3301 So. Lamar Street, Dallas, TX 75215. *(1) BEDDING AND FURNITURE PARTS (2) COMPONENTS AND ACCESSORIES, AND MATERIALS, EQUIPMENT, AND SUPPLIES (EXCEPT COMMODITIES IN BULK) USED IN THE MANUFACTURE, SALES AND DISTRIBUTION OF THE COMMODITIES IN (1) ABOVE.* From Denver, CO., to points in TX, MO, KS, and NC. Supporting shipper: World of Sleep, Inc., 5901 Broadway, Denver, CO 80216.

MC 148740 (Sub-5-2TA), filed July 9, 1981. Applicant: SPECIALIZED SERVICES, INC., 809 Burleson, Grand Prairie, TX 75050. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Iron and Steel Bolts and Rods between Farmers Branch, TX on the one hand, and on the other all points in the continental U.S. Restricted to shipments originating at or destined to the facilities of Church and Clark.* Supporting shipper: Church and Clark, 13561 Denton Dr., Dallas, TX 75234.

MC 149382 (Sub-5-1TA), filed July 10, 1981. Applicant: BURT TRANSPORT, INC., North Highway 81, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Farm equipment, from the Racine, WI Commercial Zone to the Kearney,*

NE Commercial Zone. Supporting shipper: Ag-World, Inc., Route 4, Box 161, Kearney, NE 68847.

MC 150086 (Sub-5-8TA), filed July 10, 1981. Applicant: WADE TRUCK LINES, INC., P.O. Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Contract, Irregular; Such commodities as are dealt in or used by retail grocery or department stores, Between points in the U.S. under a continuing contract with Purex Corp.* Supporting shipper: Purex Corp., 6901 McKissock Avenue, St. Louis, MO 63147.

MC 151209 (Sub-5-3TA), filed July 9, 1981. Applicant: GULF WESTERN EXPRESS, INC., P.O. Box 2653, Natchitoches, Louisiana 71457. Representative: John Williams, 329 Cane River Shopping Center, Natchitoches, Louisiana 71457. *Contract, Irregular; Woven Paper Products and Related Accessories, Between points in LA and points in TX and CA.* Supporting shipper(s): Chase Bag Company, 814 Commerce Drive, Oak Brook, Illinois 60521.

MC 151435 (Sub-5-7TA), filed July 10, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Road, Raytown, MO 64133. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. *Contract: Irregular, general commodities between points in the U.S. Supporting shipper: McGraw-Edison, Power Systems Group, Pittsburgh, PA.*

MC 151435 (Sub-5-8TA), filed July 10, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Road, Raytown, MO 64133. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Contract: Irregular, Vinyl Siding and Trilex Skirting and other plastic and rubber products, between Kearney, MO and points in the U.S. Supporting shipper: Variform Plastics, Kearney, MO 64060.*

MC 151819 (Sub-5-16TA), filed July 9, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood Street, Dallas, TX 75201. Representative: Jackson Salasky, Post Office Box 45538, Dallas, TX 75245. *Sugar in bags, from the facilities of the Godchaux Henderson Sugar Company at or near Kenner and Reserve, LA to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, MS, MO, OH, OK, SC, NC, TN, TX, MI, MN, NE, WI, VA and WV.* Supporting shipper(s): Godchaux Henderson Sugar Company Post Office Drawer AM Reserve, LA 70084.

MC 151819 (Sub-5-17TA), filed July 9, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood, Dallas, TX 75201. Representative: Jackson Salasky, Post

Office Box 45538, Dallas, TX 75245. *Paper articles, from New Orleans, LA to points in TX, OK, NM, CO, KS, NE, IA, MO, AR and CA. Supporting shipper(s): Westvaco Corporation-Bag Division, 140 Annunciation Street, New Orleans, LA 70130.*

MC 151993 (Sub-5-3TA), filed July 9, 1981. Applicant: FRANK SMITH, d.b.a. FRANK SMITH TRUCKING, Route 1, Box 3, Marble Falls, TX 78654. Representative: Charles E. Munson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. *Contract irregular; "(1) Such commodities as are used or dealt in by manufacturers, processors, or distributors of paints, highway marking materials, and coatings, industrial coatings, highway safety products, and equipment and highway maintenance products and equipment, and (2) materials, equipment, and supplies used in the manufacture, processing, or distribution of commodities named in (1) above, (except in bulk), between Marble Falls, TX, on the one hand, and, on the other, points in TX, OK, CO, NM, NC, NY, IL, AR, AZ, MO and KS. Supporting shipper: Prismd Universal Corp., Marble Falls, TX.*

MC 153138 (Sub-5-4TA), filed July 9, 1981. Applicant: LARRY DON EASLEY, d.b.a. EASLEY TRUCKING, Post Office Box 103, Ben Wheeler, TX 75754. Representative: Jackson Salasky, Post Office Box 45538, Dallas, TX 75245. *Plastic articles and ceiling fans from Jacksonville, TX to points in WA, OR and CA. Supporting shipper(s): Nichols Kusan, Inc., Post Office Box 1191, Jacksonville, TX 75766.*

MC 157061 (Sub-5-1TA), filed July 10, 1981. Applicant: ATLAS CARRIERS, INC., 800 S. Main St., Searcy, AR 72143. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TX 38103. *Such commodities as are dealt in or used by discount stores between points in KS, OK, TX, LA, AR, MS, AL, TN, KY, IL and MO, restricted to shipments moving to or from facilities utilized by Wal-Mart Stores, Inc. Supporting Shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.*

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 152333 (Sub-6-2TA), filed July 6, 1981. Applicant: A & R LUMBER SALES, INC., P.O.B. 47, Junction City, OR 97448. Representative: Robert B. Taylor, 882 Van Buren St., Eugene, OR 97402. *Contract, Irregular, gypsum wallboard and commodities used in the*

installation thereof, from Pierce County, WA to points in OR and WA for 270 days. Supporting shipper: Domtar Gypsum America, Inc., 1221 Broadway Seventh Floor, Oakland, CA 94612.

MC 144624 (Sub-6-2TA), filed July 1, 1981. Applicant: AMERICAN STREVELL TRANSPORT, INC., P.O.B. 26828, Salt Lake City, UT 84125. Representative: Eugene D. Anderson, 910 Seventeenth Street NW., Suite 428, Washington, D.C. 20006. *Contract carrier*, irregular routes: *Home appliances* from Salt Lake City, UT to points in ID, WY, and UT under a continuing contract(s) with Western Supply, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Western Supply, Inc., P.O.B. 25717, Salt Lake City, UT 84125.

MC 52793 (Sub-6-15TA), filed July 2, 1981. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Furniture, furnishings, fixtures, accessories and parts, and materials, supplies and equipment utilized in the manufacture of furniture, furnishings and fixtures*, between MN, IA, MO, AR, OK, TX, LA, MI, WI, IL, IN, OH, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, MD, DC, DE, PA, NJ, NY, CT, MA, RI, VT, NH, and ME, for 270 days. Supporting shippers: There are 10 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 156942 (Sub-6-1TA), filed July 2, 1981. Applicant: RAYMOND M. CHENOWETH & SAMUEL A. BRUNI, a partnership, d.b.a. BEST WEST EXPRESS, 1900 Westland Drive, Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. (1) *Building Materials*, between points in WA, OR, CA and AZ on the one hand, and points in Clark, Lincoln and Nye Counties, NV on the other hand; and (2) *Waste or Scrap Materials not identified by industry producing*, between points in Clark County, NV on the one hand, and Los Angeles County, CA on the other hand, for 270 days. Supporting shippers: There are seven Shippers. Their statements may be examined at the Regional Office listed.

MC 147660 (Sub-6-1TA), filed June 30, 1981. Applicant: BETTER LIVING, INC., P.O. Box 967, Vernal, UT 84078. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Mobile homes and office trailers*, between points in Daggett, Duchesne and Uintah Counties, UT and points in CO, ID, MT, NV, ND, SD, UT and WY, for 270 days. An underlying ETA seeks 120 days

authority. Supporting shipper(s): There are six shippers. Their statements may be examined at the Regional Office listed above.

MC 155793 (Sub-6-1TA), filed July 2, 1981. Applicant: RONALD M. SHERROD, ROBERT M. YEAGER, JOHN O. MILLS, AND ALLEN SELBY, a partnership, d.b.a. BIG VALLEY EXPRESS, P.O. Box 1554, Central Valley, CA 96019. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *General Commodities* (except household goods, articles in bulk in tank vehicles, articles injurious to other lading, and articles the transportation of which requires the use of special equipment), between points in Washoe County, NV, and Tehama, Trinity, Modoc, Plumas, Lassen and Shasta Counties, CA, for 270 days. Authority is requested to Interline traffic with other Motor Common Carriers at Reno-Sparks, NV., and at Redding, CA. Supporting shippers: There are eight supporting shippers; their Statements may be examined at the Regional Office listed.

MC 134387 (Sub-6-21TA), filed July 1, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Recycled products*, from points in CO, NM and TX to Snowflake, AZ for 270 days. Supporting shipper: Southwest Forest Industries, Inc., 3443 N. Central Ave., Phoenix, AZ 85011.

MC 156918 (Sub-6-1TA), filed July 1, 1981. Applicant: BRAK FREIGHTLINES, INC., P.O. Box 339, Fontana, CA 92335. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518. *General Commodities*, between points in the U.S. except Class, A and B Explosives, for 270 days. Supporting Shipper(s): There are 14 shippers. Their statements may be examined at the Regional Office Listed above.

MC 152238 (Sub-6-20TA), filed July 2, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O.B. 288, Grenada, CA 96038. Representative: John R. Harleman (same as applicant). *Contract Carrier*, Irregular routes: *salt, salt products and salt based mineral products*, between Salt Lake City and Lake Point, UT, on the one hand, and, on the other, points in OR, WA, ID, WY, CA, NV, MT, CO, and AZ, restricted to shipments moving under continuing contract(s) with Leslie Salt Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Leslie Salt Co., P.O. Box 364, Newark, CA 94560.

MC 153095 (Sub-6-1TA), filed July 1, 1981. Applicant: CALIFORNIA EASTERN XPRESS, INC., 1543 Calada

St., Los Angeles, CA 90023. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Paper and paper products; plastic articles, expanded; and equipment, materials, and supplies used in the manufacture and distribution of the above products (except commodities in bulk)*, between all points in the United States (except AK and HI), restricted to shipments originating at or destined to the facilities of Scott Paper Company, for 270 days. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 147981 (Sub-6-1TA), filed July 2, 1981. Applicant: JACK CORNWELL, d.b.a. CORNWELL TRANSPORTATION, P.O. Box 247, Norco, CA 91760. Representative: Jack Cornwell, 741 1/2 Parkridge, Norco, CA 91760. *Contract Carrier*, Irregular Routes: *Poly Urethane Foam*, between points in CA, and points in AZ, OR, & WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): California/Division of Mobay Chemical Corp., 16661 Von Karman Ave., Irvine, CA 92713.

MC 134721 (Sub-6-2TA), filed July 1, 1981. Applicant: GEORGE M. DZIAK, d.b.a. DZIAK PRODUCE CO., P.O. Box 3494 T.A., Spokane, WA 99220. Representative: Richard H. Streeter, 1729 H St. N.W., Washington, D.C. 20006. *Carbonated and noncarbonated soft drinks and fountain syrups*: From Seattle, WA to points in MT and ID, for 270 days. An ETA seeking 120 days authority has been filed. Supporting shipper: Shasta Beverages, 1227 Andover Park, East, Tukwila, WA 98188.

MC 156441 (Sub-6-1TA), filed June 30, 1981. Applicant: GREEN TORTOISE, INC., 1667 Jerrold Ave., San Francisco, CA 94124. Representative: Kathryn Griffith (same address as applicant). *Passengers and their baggage* in special operations excursion service including camping and sightseeing ventures in specially equipped coaches with sleeping accommodations and camping gear: (1) Between Los Angeles and San Francisco, CA, on the one hand, and Eugene and Portland, OR, and Seattle, WA on the other. (2) Between Los Angeles and San Francisco, CA, Eugene and Portland, OR, and Seattle, WA on the one hand, and New York City, NY and Boston, MA, on the other hand, with intermediate service to and from Denver, CO, Chicago, IL, and Madison, WI, for 180 days. Supporting shipper(s): There are 63 supporters. Their statements may be examined at the Regional Office listed.

MC 154881 (Sub-6-2TA), filed July 2, 1981. Applicant: J. L. AND V. A. HATFIELD, d.b.a. HATFIELD ENTERPRISES, 615 E. Riverside, Spokane, WA 99206. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract Carrier*, Irregular routes: *General commodities except Class A & B explosives*, between the facilities of Van Waters & Rogers Co., located at various points in the U.S., on the one hand, and suppliers, customers and branches of Van Waters & Rogers, on the other, for the account of Van Waters & Rogers Co., for 270 days. Supporting shipper: Van Waters & Rogers Co., 4515 E. Wisconsin Ave., P.O. Box 2767, Spokane, WA 99220.

MC 127012 (Sub-6-1 TA), filed July 1, 1981. Applicant: WILLIAM B. HUFF, R.F.D. #1, Box 361, Spanish Fork, UT 84601. Representative: William B. Huff (same as applicant). *Contract carrier*; irregular routes, *fuel and fuel tanks* under continuing contract(s) with Rocky Mountain Helicopters, Inc., between points in AZ, CA, CO, ID, MT, NV, ND, UT, and WY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rocky Mountain Helicopters, Inc., 800 S. 3110 West, Provo, UT 84601.

MC 156922 (Sub-6-1 TA), filed July 1, 1981. Applicant: IMMANUEL FREIGHT LINES, 13920 Mica St., Santa Fe Springs, CA 90670. Representative: Doug Adair (same as applicant). *General Commodities, except Classes A & B Explosives*, in containers or other than in containers, between points in CA., having a prior or subsequent movement by Water or Rail, for 270 days. Supporting shippers: There are eight supporting shippers, their statements may be examined at the regional office listed.

MC 156337 (Sub-6-1 TA), filed June 30, 1981. Applicant: VERYL L. KELLMER and DAVID V. KELLMER, d.b.a. VERYL L. KELLMER & SONS, 19206 E. 32nd, Greenacres, WA 99016. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. *Contract Carrier*; Irregular routes: *Food and such commodities as are dealt in or used by wholesale and retail grocery, drug and hardware stores*, from points in Multnomah, Washington, Clackamas, Marion, Polk and Yamhill Counties, OR, to points in Spokane County, WA., for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: U.R.M. Stores, Inc., N. 7511 Freya, Spokane, WA 99207.

MC 156936 (Sub-6-1 TA), filed July 2, 1981. Applicant: MTA FREIGHT CO., INC., 18601 Pacific Highway S., Seattle,

WA 98188. Representative: Robert N. Munn, Suite 600, 2001 Western Ave., Seattle, WA 98121. *Contract carrier*, Irregular routes: *Wearing apparel (garments), on hangers or in cartons*, between points in WA and OR, for the account of LW & Associates, for 270 days. Supporting shipper: LW & Associates, 316 Interurban Building, 157 Yesler Way, Seattle, WA 98104.

MC 135705 (Sub-6-1 TA), filed June 29, 1981. Applicant: MELROSE TRUCKING CO., INC., 2671 S. Robertson Rd., Casper, WY 82601. Representative: Kim Melrose (same as above). *Cement* in bulk, in tanks from the facilities of Martin Marietta Cement in Boulder County, CO to points in Natrona County, WY for 270 days. An underlying ETA seeks 120 day authority. Supporting shippers are Martin Marietta Cement, 1111 S. Colorado Blvd., Denver, CO 80222; and Etlon Construction Company, DBA Falcon Concrete, Box 730, Mills, WY 82644.

MC 156897 (Sub-6-1TA), filed June 30, 1981. Applicant: DARRYL L. BARKER and ROBERT M. BARKER, d.b.a. MILE-HI LEASING, P.O.B. 2000, Sheridan, WY 82301. Representative: Charles M. Williams, 1600 Sherman St. #665, Denver, CO 80203. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, from the facilities of or used by Cattle King Beef Company, Inc., at or near Denver, CO to points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cattle King Beef Company, Inc., 5590 High Street, Denver, CO 80216.

MC 156866 (Sub-6-1TA), filed June 29, 1981. Applicant: MUDANZAS INTERNACIONALES MEXICANAS, INC., 10517 Long Beach Blvd., Lynwood, Ca 90262. Representative: Floyd L. Farano, Esq., 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92831. (1) *Household Goods* between points in AZ 250 miles from the International boundary line between U.S. and Mexico located in AZ and the ports of entry on the International Boundary line between U.S. and Mexico in AZ for import and export into the Republic of Mexico; and (2) *Household Goods* between points in CA 250 miles from the International Boundary line between U.S. and Mexico located in CA and the ports of entry on the International Boundary line between the U.S. and Mexico located in CA for import and export into the Republic of Mexico; and (3) *Household Goods* between points in AZ 250 miles from the International Boundary line between U.S. and Mexico located in AZ and points in CA 250 miles from the International Boundary line between

U.S. and Mexico located in CA, for 270 days. An underlying ETA seeks 120 days authority. Support shippers: Mexican Benefit Committee, Inc., 2900 Euclid St., Los Angeles, CA; Consulate of the Republic of Mexico, 314 W. 6th St., San Bernardino, CA; Mexican Chamber of Commerce of Los Angeles, 125 Paseo de la Plaza #404, Los Angeles, CA 90012.

MC 146464 (Sub-6-7TA), filed June 2, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., P.O. Box 391, Elko, NV 89801. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Structural steel* from Tulsa, OK to Ogden, UT and the commercial zone thereof, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Riverside Industries, Inc., P.O. Box 2265, Tulsa, OK 74101.

MC 151471 (Sub-6-11TA), filed June 30, 1981. Applicant: STEINBECKER BROS., INC., P.O.B. 852, Greeley, CO 80632. Representative: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203. *Alcoholic beverages* from Jacksonville, FL to the facilities of Standard Liquor Corporation, at or near Wichita, KS, for 270 days. An underlying ETA seek 120 days authority. Supporting shipper: Standard Liquor Corporation, 3629 North Hydraulic, Wichita, KS 67219.

MC 151471 (Sub-6-12TA), filed July 1, 1981. Applicant: STEINBECKER BROS., INC., P.O.B. 852, Greeley, CO 80632. Representative: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203. *Paper and paper products* from the facilities of Prudential Feldco at or near the City of Industry, CA to points in CO, OR, and WA, for 270 days. Supporting shipper: Prudential Feldco, Inc. 911 Bixby Dr., City of Industry, CA 91745.

MC 140186 (Sub-6-3TA), filed June 29, 1981. Applicant: TIGER TRANSPORTATION, INC., Highway 10 West, Missoula, MT 59801. Representative: William E. Seliski, 2 Commerce, P.O. Box 8255, Missoula, MT 59807. *Metal Products* between points in Box Elder County, UT on the one hand, and, on the other hand, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY, for 270 days. Supporting shipper: Nucor Corporation, 4425 Randolph Rd., Charlotte, N.C. 28211.

MC 144956 (Sub-6-3TA), filed June 29, 1981. Applicant: TRANS-MUTUAL TRUCK LINES LTD., 4427A 72nd Ave. S.E., Calgary, Alberta, CD T2C 2C1. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Chemicals and related products* between points along the international boundary line between the U.S. and CD located in MN, ND, MT, ID and WA, on

the one hand, and, on the other, points in CA, DE, GA, IL, LA, MA, MD, MI, MN, MO, MS, MT, NH, NV, WA, WI and WY for 270 days. Supporting shippers: MacKenzie & Feimann, Ltd., 311-255 W. First St., North Vancouver, B.C., CD V7M 3G8; Westhawk Traders, Ltd., 1250 Homer St., Vancouver, B.C., CD V6B 2Y5.

MC 156915 (Sub-6-1TA), filed June 30, 1981. Applicant: MICKEY SMITH TRANSPORTATION, P.O. Box 2580, Park City, UT 84060. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Office furniture*, from Borden, IN to points in NY, NJ, NC, SC, PA, KY, IL, OH, IA, KS, NE, WY, MO, OK, TX, NM, CO, AZ, UT, NV, ID, OR, WA, CA and MA, for 270 days. Supporting shipper: Kimball Office Furniture Company, Borden, IN 47106.

MC 95920 (Sub-6-8TA), filed July 2, 1981. Applicant: SANTRY TRUCKING CO., 10505 N.E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissioniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract Carrier*, irregular routes: *Foodstuffs and related products* from Vacaville, CA, to points in UT and MT for the account of American Home Foods Division of American Home Products Corp., for 270 days. Supporting shipper: American Home Foods Division of American Home Products Corp., 685 3rd Ave., New York, NY 10017.

W-1338 (Sub-6-1TA), filed June 29, 1981. Applicant: THE BINKLEY COMPANY, d.b.a. NORTHWEST NAVIGATION, P.O. Box 1065, Bethel, AK 99559. Representative: John Binkley (same as applicant). *General commodities*, by water vessel, between points on the Kuskokwim River and its tributaries from its mouth to and including Stoney River, AK. By decision entered June 30, 1981, the ICC Region 6, Motor Carrier Board granted applicant 180 days temporary authority to engage in the business of transportation in interstate commerce as a common carrier by water vessel. *General Commodities* between points on the Kuskokwim River and its tributaries from its mouth to and including Stoney River, AK. Any interested person may file a petition for reconsideration with the Region 6 Motor Carrier Board within 20 days of the date of this publication. Supporting shipper(s): Lower Kuskokwim School District, P.O. Box 305, Bethel, AK 99559; Kuspuk School District, P.O. Box 108, Aniak, AK 99557; Moffitt Contracting, P.O. Box 47, Palmer, AK 99645.

MC 52793, (Sub-6-16TA), filed July 6, 1981. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA

90221. Representative: Jeffrey R. Graves, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Furniture and furnishings* between Selma, AL, Nichols, SC and Swanton, OH, on the one hand, and, on the other, points in NE, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, and VA for 270 days. Supporting shipper: Pilliod Cabinet Company, 105 Woodland Ave., Swanton, OH 43558.

MC 157004, (Sub-6-1TA), filed July 6, 1981. Applicant: BEST WAYS EXPRESS, INC., 129 176th St., Suite 6, Spanaway, WA 98387. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98421. *Contract Carrier*, irregular routes: *General Commodities (except classes A & B explosives)*, between points in the U.S., for the account of Pacific Resins & Chemicals, Inc., for 270 days. Supporting shipper: Pacific Resins & Chemicals, Inc., 1754 Thorne Rd., Tacoma, WA 98401.

MC 136605, (Sub-6-46TA), filed July 6, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B. 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as above). *Lumber and wood products*, from the facility of Eagle Forest Products, Inc., located at or near Sacramento, CA to points in the U.S. in and west of MI, IN, IL, MO, AR, LA, (except AK & HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Eagle Forest Products, P.O.B. 26164, Sacramento, CA 95826.

MC 156983, (Sub-6-1TA), filed July 6, 1981. Applicant: DIEBEL TRUCK SERVICE INC., 301 D St., Suite 104, Lewiston, ID 83501. Representative: William E. Seliski, 2 Commerce St. POB 8255, Missoula, MT 59807. *Building Materials*; from points in ID, MT, Wallowa County OR and Pend Orielle County WA to points in MT, CA, St. Paul MN, and White Cloud, MN, for 270 days. And underlying ETA seeks 120 days authority. Supporting shipper: Canyon Timber, General Delivery, White Bird, ID 83554.

MC 139906, (Sub-6-83TA), filed July 6, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Knit yarn piece goods* from the facilities of Dolphin Mills, at or near Miami, FL to the facilities of M & M Printers, at or near Grovesville, NC and the facilities of Decatone, at or near Gastonia, NC for 270 days. Supporting shipper: Marlene Industries Corp., 1372 Broadway, New York, NY 10018.

MC 139906 (Sub-6-84TA), filed July 6, 1981. Applicant: INTERSTATE

CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Automotive and metal products* (except in bulk) from the facilities of Kingston-Warren Corporation, at or near Newfields, NH, to points in the U.S. for 270 days. Supporting shipper: Kingston-Warren Corporation, Route 85, Newfields, NH 03858.

MC 127019 (Sub-6-2TA), filed July 6, 1981. Applicant: LA RUE LAMB TRUCKING, INC., POB 374, Myton, UT 84052. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111. *Clay, concrete, glass or stone products*, between WY, CO, KS, OK, TX, UT & NM, for 270 days. An underlying ETA seeks 120 days operating authority. Supporting shipper: Halliburton Services, a Division of Halliburton Company, P.O. Drawer 1431, Duncan, OK 73536.

MC 144572 (Sub-6-25TA), filed July 6, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Building materials*, from Waco, TX to Denver, CO for 270 days, an underlying ETA seeks 120 days operating authority. Supporting shipper: Jones Hartz Lime Co., Inc., 1450 West Colfax Avenue, Denver, CO 80204.

MC 72423 (Sub-6-2TA), filed July 6, 1981. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 E. Chestnut St., Sterling, CO 80751. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203. *Contract carrier*, irregular routes: (1) *Liquors, wines, and related products*, and (2) *meats, meat products, and meat by-products, and articles produced and distributed by meat packinghouses*, between points in the U.S. (except AK and HI), under continuing contracts with (1) Best Brands, Inc., of Denver, CO, and (2) Sterling Colorado Beef Co. of Sterling, CO, for 270 days. Supporting shippers: Best Brands, Inc., 10700 E. 40th Ave., Denver, CO 80239, and Sterling Colorado Beef Co., Right of Way Rd., Sterling, CO.

MC 133239 (Sub-6-1TA), filed July 6, 1981. Applicant: SANDNER BROTHERS TRANSPORT LTD., Box 40, Christina Lake, B.C. Canada V0H 1E0. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. *Forest products and lumber*, between points in OR, ID and MT and points on the U.S.-Canadian International Boundary in WA, ID and MT for 270 days. Supporting shippers: Lignum Sales Ltd., #1500-1090

W. Georgia St., Vancouver, B.C.; Weyerhaeuser Company, Tacoma, WA 98477; Berkley Forest Products Inc., 7123 Husky Way S.E., Olympia, WA 98503 and Humphry Lbr. Co., Inc., P.O. Box 99943, Tacoma, WA 98499.

MC 141867 (Sub-6-12TA), filed July 6, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Ronald R. Brader (same as applicant). *Commodities dealt in or used by the manufacturers of insulation, between Willows, CA and points in MT and WY, for 270 days. Supporting shipper: Johns-Manville Sales Corp., 2600 Campus Dr., San Mateo, CA 94403.*

MC 156984 (Sub-6-1TA), filed July 6, 1981. Applicant: YELLOWSTONE DISPATCH, INC., 405 N. 7th St., Miles City, MT 59301. Representative: William E. Seliski, 2 Commerce POB 8255, Missoula, MT 59807. *Contract; irregular: (1) hides and pelts; (2) scrap metals; (3) such commodities as are used or dealt in by retail or wholesale hardware stores; and (4) such commodities as are manufactured or distributed by steel mills or metal fabricators, (A) between the facilities of Pacific Hide and Fur Depot at or near (I) Billings, Bozeman, Butte, Glasgow, Great Falls, Havre, Helena, Kalispell, Miles City, Missoula, Lewistown, and Sidney, MT; (II) Seattle, Kennewick, Spokane and Tacoma, WA; (III) Mills, Riverton, Worland, Gillette and Rock Springs, WY; (IV) Salmon, Nampa, Sandpoint, Lewiston, Twin Falls, Boise, Burley and Pocatello, ID; and (V) Portland, OR; and (B) between the facilities of Pacific Hide & Fur Depot in (A) above, on the one hand, and, on the other, points in CA, CO, ID, MT, OR, UT, WA, WY, ND, SD, and NV, under continuing contract(s) with Pacific Hide and Fur Depot, for 270 days. Supporting shipper: Pacific Hide & Fur Depot, 1401 3rd St. N.W., Great Falls, MT 59403.*

MC 156830 (Sub-6-1TA), filed July 9, 1981. Applicant: JACK E. PRICE, d.b.a. AMBER TRUCK LINES, 4046 W. 2550 S., Ogden, UT 84401. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *(1) Lumber and wood products, (2) building materials, between points in AZ, CA, CO, ID, MT, NM, OR, TX, UT, WA, and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Intermountain Orient, Inc., 11085 Executive Dr., Boise, ID 83704; Safe-Kote, Inc., POB 28975, Salt Lake City, UT 84126; Ogden Lumber & Milling, Inc., 944 W. 20th St., Ogden, UT 84041.*

MC 157068 (Sub-6-1TA), filed July 9, 1981. Applicant: BLUE RIVER BUS LEASING, INC., 4649 N.E. 115th, Portland, OR 97220. Representative:

Orville J. Luther (same as above). *Passengers, and their baggage, in special or charter operations; beginning and ending at points in OR and WA and extending to points in CA, OR, WA, NV, AZ, UT, NM, CO, and ID, for 180 days. Supporting shippers: There are 9 supporting shippers. Their statements may be examined at the office listed.*

MC 152330 (Sub-6-3TA), filed July 9, 1981. Applicant: GLACIER CARRIERS, POB 1438, Kalispell, MT 59901. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract carrier, irregular routes: Construction equipment, materials and supplies, from points in WA, OR, ID, UT, WY, CO, ND, SD, MN, WI, IL and IN to points in MT under continuing contract(s) with Frontier Masonry & Tile of Columbia Falls, MT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Frontier Masonry & Tile, 3585 Lasalle Rd., Columbia Falls, MT.*

MC 144893 (Sub-6-1TA), filed July 9, 1981. Applicant: NORMAN HOWARD, d.b.a., HOWARD TRUCKING OF UTAH, 1755 East 800 N., St. George, UT 84770. Representative: J. Ralph Atkin, P.O. Box 339, St. George, UT 84770. *(1) Malt Beverages and related advertising materials; and (2) Empty used beverage containers, materials, and supplies used in and dealt with by breweries between Jefferson County, CO on the one hand and all points in AZ and CA on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Adolph Coors Company, Golden, CO 80401.*

MC 146300 (Sub-6-1TA), filed July 9, 1981. Applicant: J-LOR TRUCKING CO., 1518-15th N.W., Auburn, WA 98002. Representative: Jan Gudgel (same as applicant). *Contract carrier; irregular routes: Foodstuffs and related products from the Commercial Zone Seattle, WA to points in CA under continuing contract with Richardson and Holland, for 270 days. Supporting shipper: Richardson and Holland, 1001 John St., P.O. B C19101, Seattle, WA.*

MC 146300 (Sub-6-2TA), filed July 10, 1981. Applicant: J-LOR TRUCKING COMPANY, P.O. B 5908, Kent, WA. 98031. Representative: Jan Gudgel, 1528 15th N.W., Auburn, WA 98002. *Contract Carrier Irregular route: foodstuffs and related products from the Commercial Zone of Seattle, WA to points in CA under continuing contract with Richardson and Holland Co. of Seattle, WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Richardson and Holland, 1001 John St., P.O. B C19101, Seattle, WA 98102.*

MC 157064 (Sub-6-1TA), filed July 9, 1981. Applicant: AL JACKSON'S TRUCKING, 3875 Newport Unit E, Denver, CO 80207. Representative: W. Allen Jackson (same as applicant). *Contract Carrier, Irregular routes: Rubber or miscellaneous plastics products, primary metal products including galvanized, fabricated metal products, machinery and supplies between Jefferson, Larimer, Adams, Arapahoe Counties, CO and points in IL, IA, SD, NM, for 270 days for the account of Bateman Uranium Corporation/Bateman Coal Technology Corporation. Supporting shipper: Bateman Uranium Corporation, 777 South Wadsworth, Building 1, Suite 101, Lakewood, CO 80226.*

MC 148868 (Sub-6-1TA), filed July 9, 1981. Applicant: MALM CO., INC., 908 Denargo Market, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203. *Malt Beverages and related products between Jefferson County, CO, on the one hand, and, points in AR, AX, CA, LA, MS, MO, OK and TX, on the other hand, for 270 days. Supporting shipper: Adolph Coors Company, Golden, CO 80401.*

MC 157063 (Sub-6-1TA), filed July 9, 1981. Applicant: NEL'S COURTESY CAB, INC., 20 N. Sacramento St., Susanville, CA 96130. Representative: Nelson G. Wilhelm (same as applicant). *Passengers and their baggage, in special operations, and express, in vehicles with seating capacity of seven passengers or less between points in Lassen, Plumas, and Shasta Counties, CA, on the one hand, and, on the other, points in Washoe County and Carson City, NV for 180 days. Supporting shipper(s): "There are six shippers. Their statements may be examined at the Regional office listed."*

MC 140688 (Sub-6-2TA), filed July 10, 1981. Applicant: NICOLL TRUCKING (MEDICINE HAT) LTD., P.O.B. 8009, Station F, Calgary, Alberta, CD T2J 4B4. Representative: John T. Wirth, 717-17th St., Ste. 2600, Denver, CO 80202. *Oilfield pipe, between ports of entry on the International Boundary line between the U.S. and CD located in ID and MT on the one hand; and, on the other, points in CA, TX, OK, UT, ND, MT, WY, CO and KS, restricted to traffic moving in foreign commerce, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Toma Steel Supply, Inc., P.O.B. 27207, Denver, CO 80227.*

MC 157062 (Sub-6-1TA), filed July 6, 1981. Applicant: BOB ROGERS TRUCKING INC., 1533 East Brill St.,

Phoenix AZ 85006. Representative: Bob Rogers (same as applicant). *Contract carrier*; irregular routes *tabasco pepper sauce, tabasco bloody mary mix, tabasco table sauces*, from Avery Island, LA to points in TX, NM, AZ, NV, CA, for the account of McIlhenny Co. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: McIlhenny Co., Avery Island, LA 70513.

MC 151920 (Sub-6-2TA), filed July 10, 1981. Applicant: TIDY TRANSPORT LTD., 20151 Logan Ave., Langley, B.C., CD. V3A 4L5. Representative: Robert G. Gleason, 1127-10th E., Seattle, WA 98102. *Contract Carrier*: Irregular routes: *Tanks, stands, fittings, pipe, steel plate and welding materials*, between points on the U.S.-Canadian International Boundary at Blaine, Lynden and Sumas, WA and between points in WA, ID and OR, for 270 days. Supporting shipper: Tidy Welders Ltd., 20151 Logan Ave., Langley, B.C., CD. V3A 4L5.

MC 157046 (Sub-6-1TA), filed July 7, 1981. Applicant: VARIETY TOURS, INC., 3840 Crenshaw Blvd., Suite #205, Los Angeles, CA 90008. Representative: Al C. Daniels (same as above). *Passengers and their baggage* in charter operation from Los Angeles, Orange, Kern, and San Bernadino, Counties, CA, to points in AZ, CO, NM, NV, OR, UT, WA and return for 180 days. There are 13 supporting shippers, their statements may be examined at the office listed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-21139 Filed 7-17-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81-18351, published at page 32340, on Monday, June 22, 1981, on page 32345, in the first column, in the third paragraph "MC 99439", in the ninth line "FA" should be corrected to read "CA".

BILLING CODE 1505-01-M

[Volume No. OPY4-260]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 10, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR

86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's

other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.
Agatha L. Mergenovich,
Secretary.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 125687 (Sub-27), filed July 2, 1981. Applicant: EASTERN STATES TRANSPORTATION PA., INC., 1060 Lafayette St., York, PA 17405. Representative: Jeremy Kahn, 733 Investment Bldg., 1511 K Street NW., Washington, DC 20005, (202) 783-3525. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 81-21075 Filed 7-17-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform

the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7328.

Volume No. OPI-201

Decided: July 10, 1981.

By the Commission. Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 61440 (Sub-213), filed June 19, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157, (405) 840-7579. Transporting *air cooling and heating equipment*, between points in the U.S., under continuing contract(s) with Rheem Manufacturing Company, a subsidiary of City Investing Corporation, of New York, NY.

MC 82841 (Sub-320), filed June 29, 1981. Applicant: HUNT

TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339-3003. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of construction materials, between the facilities of Celotex Corporation or its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 93711 (Sub-2), filed June 28, 1981. Applicant: WALLINGTON MOTOR LINES, INC., P.O. Box 428, Clifton, NJ 07105. Representative: Robert B. Pepper, 188 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *chemicals, cleaning equipment, plastic and plastic articles, glassware, and paper and paper products*, between New York, NY, on the one hand, and, on the other, points in CT, NJ, NY and PA.

MC 97580 (Sub-2), filed June 30, 1981. Applicant: M & S EXPRESS, INC., d.b.a. M & S EXPRESS, 200 Mystic Ave., Medford, MA 02155. Representative: Richard R. Sparks, Jr., 25 Boynton Rd., Medford, MA 02155, (617) 395-8787. Transporting *general commodities* (except classes A and B explosives), between points in CT, ME, MA, NH, NY, RI and VT, and those points in New Jersey located in the New York, NY, commercial zone, as defined by the Commission. Condition: Issuance of a certificate in this proceeding is conditioned upon the coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC-97580 Sub 1.

MC 113751 (Sub-48), filed June 25, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia St., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *plastic products and resin*, between points in Waupaca County, WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK and TX.

MC 118130 (Sub-123), filed June 29, 1981. Applicant: SOUTH EASTERN XPRESS, INC. P.O. Box 6459, Fort Worth, TX 76115. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103, (817) 293-6286. Transporting *such commodities* as are dealt in or used by liquor stores, between points in NM, on the one hand, and, on the other, points in the U.S.

MC 121470 (Sub-84), filed June 19, 1981. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, TN 37207. Representative: Helen Jones (same address as applicant), (615) 244-7417. Transporting *metal products*, between

Jacksonville and points in Baker County, FL, on the one hand, and, on the other, points in KY, AL, GA and TN.

MC 124111 (Sub-68), filed June 29, 1981. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Swift & Company, of Chicago, IL.

MC 133591 (Sub-145), filed July 2, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391, (606) 744-3503. Transporting *general commodities* (except classes A and B explosives), between the facilities used by ITOFCA, Inc. and its members at those points in the U.S. in and east of MI, IN, KY, TN, and MS, on the one hand, and, on the other, points in the U.S.

MC 138000 (Sub-94), filed June 26, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *furniture and fixtures*, between point in Frederick County, VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, OK and TX.

MC 143230 (Sub-4), filed June 25, 1981. Applicant: LUCK TRUCKING, INC., Rural Route #1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *chemicals and related products*, between points in IA, IL, IN, KY, MI, MO, OH, WI, MN, KS, NE, SD, TN, TX, and OK.

MC 143060 (Sub-1), filed June 19, 1981. Applicant: PENN-PACIFIC, INC., 20815 Currier Rd., Walnut, CA 91789. Representative: William J. Monheim, P.O. Box 1758, Whittier, CA 90609, (213) 945-2745. Transporting *such commodities* as are dealt in or used by restaurants, between points in Maricopa County, AZ, Los Angeles County, CA, and Pierce County, WA, on the one hand, and, on the other, points in AZ, CO, ID, MT, OR, TX, UT, and WA.

MC 146091 (Sub-3), filed June 28, 1981. Applicant: JOHN E. HOTH and BOBBIE J. HOTH, d.b.a. W.I. EXPRESS, Box 17, Colesburg, IA 52035. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001, (319) 557-1320. Transporting *meat, meat products, meat byproducts and articles distributed by*

meat packinghouses (1) between Cedar Rapids, IA and points in Freeborn County, MN, on the one hand, and, on the other, points in LA and MS, and (2) between Des Moines, IA, Omaha, NE, and points in Cherokee County, IA, Cass County, IN, Saline County, MO, and Warren County, IL, on the one hand, and, on the other, points in AL, AR, GA, KY, LA, MS, and TN.

MC 146681 (Sub-3), filed June 25, 1981. Applicant: DUTCH MILL TRUCKING, INC., Route 1, Sparta, WI 54656. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703, (608) 256-7444. Transporting *metal products*, between LaCrosse, WI, on the one hand, and, on the other, points in the U.S.

MC 146861 (Sub-3), filed June 25, 1981. Applicant: EDGAR A. SPIEGEL, Route 1, Neilsville, WI 54456. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *exhaust mufflers, spark arrestors, intake silencers, and air and oil filters*, between points in Clark, Jackson, Iowa, Vernon, Trempealeau, Chippewa, Waushara, Grant, and Dane Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 148490 (Sub-11), filed June 26, 1981. Applicant: C. & N. EVANS TRUCKING COMPANY, INC., R.F.D. 2, Box 39-E, Stoneville, NC 27046. Representative: Clarence B. Evans (same address as applicant), (919) 573-3761. Transporting *malt beverages, containers and container ends*, between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 150451 (Sub-2), filed June 29, 1981. Applicant: G & L TRANSPORT, Route 9, Troy, ME 04987. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442-8330. Transporting *such commodities* as are dealt in or used by tanneries, between points in the U.S., under continuing contract(s) with Irving Tanning Company, of Hartland, ME.

MC 150451 (Sub-3), filed June 29, 1981. Applicant: G & L TRANSPORT, Route 9, Troy, ME 04987. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. Transporting (1) *lumber and wood products*, and (2) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with (a) Milamac, Inc. ME and (b) Madison Paper Industries, Inc. of Madison, ME.

MC 152730 (Sub-2), filed June 16, 1981. Applicant: DEPENDABLE TRANSIT, INC., 300 South, P.O. Box 21, Hartford City, IN 47348. Representative: William E. Ervin, 211 No High Street, Hartford

City, IN 47348, (317) 348-0051. Transporting *plastic articles*, between the facilities used by Amoco Foam Products Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152730 (Sub-3), filed June 26, 1981. Applicant: DEPENDABLE TRANSIT, INC., 300 South, P.O. Box 21, Hartford City, IN 47348. Representative: Larry Dee Garrett (same address as applicant), (317) 348-0051. Transporting *containers, and container accessories*, between the facilities of Kerr Glass Manufacturing Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154581, filed June 25, 1981. Applicant: SANDPIPER CONTAINER TRUCKING, INC., 10844 E. Marginal Way South, Seattle, WA 98168. Representative: David A. Johnson, (same address as applicant), (206) 762-1664. Transporting *general commodities* (except classes A and B explosives), in containers or trailers having a prior or subsequent movement by water, between points in WA and Multnomah County, OR, on the one hand, and, on the other, points in WA, and Multnomah, Washington, and Clackamas Counties, OR.

MC 154781 filed June 25, 1981. Applicant: K & K WAREHOUSE CO., INC., P.O. Box 7088, Knoxville, TN 37921. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402, (615) 756-3620. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) AFG Industries, Inc. of Kingsport, TN, (2) Moody Dunbar, Inc. of Limestone, TN, and (3) Saticoy Foods Corporation of Santa Paula, CA.

MC 155440, filed June 25, 1981. Applicant: NEWAY CARPET EXPRESS CO., 533 E. Beltline S.E., Grand Rapids, MI 49506. Representative: William A. Thomas (same address as applicant), (616) 949-4111. Transporting *floor covering*, between points in MI, on the one hand, and, on the other, points in AL, GA, IL, IN, OH, PA, SC, NC, VA, WV and WI.

MC 156830, filed June 29, 1981. Applicant: JACK E. PRICE, d.b.a. AMBER TRUCK LINES, 4046 W. 2550 S., Ogden, UT 84401. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531-1300. Transporting (1) *lumber and wood products*, and (2) *building materials*, between those points in the U.S., in and west of MN, IA, MO, AR, and LA.

MC 156831, filed June 26, 1981. Applicant: TRANSPORTATION SERVICES, INCORPORATED, 422 Harrison St., Riverside, NJ 08075. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW., Washington, DC 20004, (202) 628-4600. Transporting *plastic containers*, between points in the U.S., under continuing contract(s) with Advance Chemical Technology, of Camden, NJ.

MC 156850, filed June 26, 1981. Applicant: CHARLES MARKLE, d.b.a. MARKLE TRANSPORT, 12815 W. Carlisle Road, Frazeyburg, OH 43822. Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting *general commodities* (except classes A and B explosives), between points in Coshocton, Franklin, Holmes, Knox and Muskingum Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 156910, filed July 1, 1981. Applicant: COMPASS TRANSPORTATION, INC., P.O. Box 2069, Montgomery, AL 36197. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *forest products, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, metal products, those commodities which because of their size or weight, require the use of special handling or equipment, Mercer commodities, machinery, and building materials*, between those points in the U.S. in and east of WI, IL, MO, OK, and TX.

Volume No. OPY-2-125

Decided: July 13, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 59223 (Sub-12), filed March 9, 1981 (correction), previously published in the Federal Register issue of April 9, 1981, and republished this issue. Applicant: NEW DEAL DELIVERY SERVICE, INC., 206 West 37th St., New York, NY 10018. Representative: Kenneth M. Piken, 95-25 Queens Blvd., Rego Park, NY 11374, (212) 275-1000. Transporting *such commodities* as are dealt in by department stores, between points in Middlesex and Camden counties, NJ, on the one hand, and, on the other, points in Rockland County, NY.

Note.—This republication is to include points in Rockland County, NY in the radial territory, previously omitted from the prior publication. The prior publication remains the same.

MC 144982 (Sub-19), filed May 27, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *general commodities* (except classes A and B explosives), (1) between the facilities used by Borg-Warner Corporation, or its divisions, or subsidiaries, at Ottawa, IL, Parkersburg and Washington, WV, on the one hand, and, on the other, points in the U.S. (except points in AL, AR, GA, LA, MI, MS, NC, and TN), and (2) between the facilities used by Borg-Warner Corporation, or its subsidiaries, at points in the U.S., (except Ottawa, IL, Parkersburg, and Washington, WV), on the one hand, and, on the other, points in the U.S.

MC 152772, filed July 1, 1981. Applicant: EARTH INDUSTRIAL WASTE MANAGEMENT, INC., 1570 One Commerce Square, Memphis, TN 38103. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137, (901) 767-5600. Transporting *hazardous materials, and waste or scrap materials not identified by industry producing*, between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, VA and WV.

MC 156812, filed June 26, 1981. Applicant: HERIN BROTHERS, INC., 180 Loop Road, Hesperia, MI 49421. Representative: Gregory G. Prasher, 700 Commerce Building, Grand Rapids, MI 49503, (616) 459-9487. Transporting *food and related products* between points in the U.S., under continuing contract(s) with (a) Sawyer Fruit & Vegetable Cooperative Corporation, of Bear Lake, MI; (b) Huron Farms Decatur Storage, Inc., of Decatur, MI; (c) George E. Dent Sales, Inc., of Montague, MI; (d) Ludington Fruit Exchange, of Ludington, MI.

Volume No. OPY-4-258

Decided: July 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 40757 (Sub-23), filed July 6, 1981. Applicant: CREECH BROS. TRUCK LINES, INC., 100 Industrial Dr., Troy, MO 63379. Representative: Francis W. McInerney, 1000 16th St., N.W., Suite 502, Solar Bldg., Washington, DC 20036, (202) 783-8131. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 140827 (Sub-18), filed July 6, 1981. Applicant: MARKET TRANSPORT, LTD., 110 North Marine Dr., Portland, OR 97217. Representative: Richard H. Streeter, 1729 H St., N.W., Washington,

DC 20006 (202) 337-6500, Transporting *pulp, paper and related products*, between points in OR, WA, ID, MT, UT, CA, AZ, and NV.

MC 147727 (Sub-2), filed July 6, 1981. Applicant: SCOTT DAVIS TRANSPORT, INC., 611 N. Front St., Yakima, WA 98901. Representative: Donald A. Clausen, 534 S.W. 3rd Ave., Willamette Bldg., Portland, OR 97204 (503) 221-1795. Transporting (1) liquid sugar as corn sweeteners, between points in OR, and WA, and (2) soybean oil, between points in CA and OR.

MC 153137, filed July 1, 1981. Applicant: G&H TRANSPORTATION, INC., 1905 Turning Basin Dr., Suite 446, Houston, TX 77029. Representative: Lillian I. Grindstaff (same address as applicant) (713) 672-8187. Transporting *general commodities* (except classes A and B explosives), between points in Brazoria County, TX, on the one hand, and, on the other, points in Harris and Galveston Counties, TX.

MC 156707, filed July 2, 1981. Applicant: MWK TRANSPORT CO., INC., 5401 West Donges Bay Rd., Mequon, WI 53092. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703 (608) 256-7444. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with M. W. Kasch Company, of Milwaukee, WI.

MC 156947, filed July 2, 1981. Applicant: WILLIE J. SMITH 6055 NE Glisan, Portland, OR 97213. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 239-7577. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-4-259

Decided: July 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 22147 (Sub-2), filed July 6, 1981. Applicant: OSBORN & SON TRUCKING CO., INC., 221 W. Johnson St., Fond du Lac, WI 54935. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719 (608) 273-1003. Transporting *general commodities*, between points in the U.S. under continuing contract(s) with Giddings & Lewis Machine Tool Company, a division of Giddings & Lewis, Inc., of Fond du Lac, WI.

MC 121517 (Sub-19), filed July 1, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st St. East Avenue, P.O. Box 16527, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615-East, The Oil

Center, 2601 Northwest Expressway, Oklahoma City, OK 73112 (405) 848-7946. Transporting *commodities in bulk*, between points in AR, CO, KS, LA, MO, NM, OK, TN, and TX.

MC 138157 (Sub-280), filed July 2, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant) (615) 756-7511. Transporting *such commodities* as are dealt in by manufactures of drugs, medicines, and chemicals, between points in Elkhart County, IN, Montgomery County, OH, and New Haven County, CT, on the one hand, and, on the other, points in the U.S.

MC 144757 (Sub-9), filed July 6, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 412 Oshkosh, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701 (605) 343-4036. Transporting *general commodities*, (except classes A and B explosives), between points in ND and SD, on the one hand, and, on the other, points in CO, IL, IA, KS, MN, MO, MT, NE, ND, WI, and WY.

[FR Doc. 81-21079 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OP-3-240]

Motor Carriers; Permanent Authority Decision-Notice

Decided: July 10, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's rules of practice, see 49 CFR 1100.247. Special rule 247 was published in the *Federal Register* of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed

service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.
Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 43685 (Sub-24F), filed September 22, 1980, previously noticed in the *Federal Register* on October 20, 1980. Applicant: MERCER TRUCKING COMPANY, INC., P.O. Box 11585, Spokane, WA 99211. Representative: Marshall Hanning (same address as applicant). Transporting (1) *lumber, forest products, building materials, machinery, contractors' equipment, and concrete beams, trusses, and girders*, and (2) *iron and steel articles*, between points in WA, OR, ID, and MT.

Note.—This republication corrects the commodity and territorial descriptions.
[FR Doc. 81-21127 Filed 7-17-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decision Volume No. OPY-3-118]

Motor Carriers; Permanent Authority

Decided: July 9, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rules of practice (46 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. § 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the *Federal Register*. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's Rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams. Williams not participating.

MC-F-14652, filed June 12, 1981. Applicant: ALLTRANS EXPRESS U.S.A., INC., (Alltrans Express) (1335 Sixth St., San Francisco, CA 94107)—continuance in control—ALLTRANS ALASKA TRUCKLINES, INC. (Alltrans Alaska) (650 South Othello St., Seattle, WA 98106). Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Alltrans Express seeks authority to continue in control of Alltrans Alaska upon the institution by Alltrans Alaska of operations in interstate or foreign commerce, as a motor common carrier. Alltrans Express (MC-99388) operates, generally as a motor common carrier, over regular routes, in a designated area surrounding San Francisco, CA. Alltrans Express is controlled by a non-carrier, Alltrans Holdings, Inc., which, in turn, is controlled by a non-carrier, Thomas Nationwide Transport, Limited whose stock is widely held. Alltrans Express controls a freight forwarder, Alltrans Alaska Freight, Inc. (FF-461); and a motor common carrier, Mmar Transportation, Inc., (MC-143445). Thomas Nationwide Transport, Limited controls a non-carrier/Alltrans Canada, Inc., which, in turn, controls a motor common carrier, TNT Canada, Inc. (MC-111307), which, in turn a motor common carrier, Overland Western International, Inc. (MC-42125) and a carrier, Champlain Septiles Express, Inc. (MC-116092). Champlain Septiles Express, Inc. owns 49 percent of the outstanding stock of a non-carrier Cowansville Express, Inc., which, in turn, controls a motor common carrier, Champlain

Express Transport (International), Inc. In a pending, non-directly related proceeding in MC-F-14574, Alltrans Pilot, Inc., which is controlled by Alltrans Holdings, Inc., seeks authority to control Pilot Freight Carriers, Inc. Alltrans Alaska currently holds no certificate or permit from the Commission and in a directly-related application (MC-156714), seeks authority to operate as a common carrier, by motor vehicle, over irregular routes transporting general commodities between points in CA, OR, WA and AK. No portion of the operating rights involved in the transaction is proposed to be cancelled or restricted. No application under 49 U.S.C. 11349 to perform temporarily the service proposed by the permanent application has been filed.

Note.—Alltrans Alaska has filed as a directly related application its initial common carrier permanent application. This application, docketed No. MC-156714 is published in this same Federal Register issue.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's general rules of practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed

and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant of grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams. Williams not participating.

MC 156714, filed June 12, 1981.

Applicant: ALLTRANS ALASKA TRUCKLINES, INC., 650 South Othello St., Seattle, WA 98106. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760 (301) 840-8565. Transporting general commodities (except classes A and B explosives) between points in CA, OR, WA and AK.

Note.—This application is directly related to MC-F-14652, published in this same Federal Register issue.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-21128 Filed 7-17-81; 9:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal

Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.
Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-3-117

Decided: July 10, 1981.

MC 2455 (Sub-1), filed June 29, 1981. Applicant: BAYARD TRUCKING COMPANY, INC., 237 Harrison St., Elizabeth, NJ 07208. Representative: Robert Cota, 212 Vine St., Elizabeth, NJ 07202, (201) 352-8354. Transporting (1) *food and related products*, between points in NJ and NY, on the one hand, and, on the other, points in the U.S., and (2) *pallet racks*, between points in NJ, on the one hand, and, on the other, points in the U.S.

MC 9844 (Sub-10), filed June 30, 1981. Applicant: HAYES TRUCK LINE, INC., 1410 Intercity Trafficway, P.O. Box 4060, Kansas City, MO 64101. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *general commodities* (except classes A and B explosives), between Kansas City, MO, on the one hand, and, on the other, points in KS.

MC 14045 (Sub-4), filed June 29, 1981. Applicant: LOS ANGELES-YUMA FREIGHT LINES, INC., P.O. Box 4460, Yuma, AZ 85364. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, (602) 782-2503. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Yuma, AZ and Tucson, AZ, from Yuma over Interstate Hwy 8 to junction Interstate Hwy 10, and return over the same route, and (2) between Phoenix, AZ and junction Interstate Hwy 10 and Interstate Hwy 8, from Phoenix, AZ, over Interstate Hwy 10 to junction Interstate Hwy 8, and return over the same route, serving Casa Grande, AZ, as an off-route point.

MC 26825 (Sub-65), filed June 30, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting (metal products), between the facilities of Nucor Corporation, at or near Norfolk, NE, on the one hand, and, on the other, points in the U.S.

MC 52614 (Sub-16), filed June 30, 1981. Applicant: R. S. POWELL, INCORPORATED, P.O. Box 338,

Madison Heights, VA 24572. Representative: MORTON E. KIEL, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466-0220. Transporting (1) *gypsum and gypsum products*, (2) *building materials*, (3) *paper and paper products*, and (4) *chemicals and plastic products*, between points in the U.S. under continuing contract(s) with Georgia-Pacific Corporation, of Portland, OR.

MC 146964 (Sub-15), filed June 29, 1981. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same address as applicant), (717) 845-7030. Transporting *synthetic and textile fibers*, between the facilities used by Wonalancet Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC-149144 (Sub-5), filed June 22, 1981. Applicant: SCHIERDING TRUCKING CO., 3690 West Clay, St. Charles, MO 63301. Representative: James Schierding (same address as applicant), (314) 724-8711. Transporting *Malt beverages*, between Peoria, IL, on the one hand, and, on the other, St. Charles, Union and St. Louis, MO. (2) between points in IN and MI, on the one hand, and, on the other, St. Charles, MO, and (3) between Memphis, TN, on the one hand, and, on the other, Belleville, IL and St. Charles, MO. Condition: Issuance of a certificated in the proceeding is subject to prior or coincidental cancellation of Permits Nos. MC 142382 Sub 2, MC 142382 Sub 4 and MC 142382 Sub 5, at applicant's written request.

Note: Applicant states the purpose of this application is to convert its existing contract carrier authority in MC 142382 Subs 2, 4 and 5 to a Certificate of Public Convenience and Necessity.

MC 149184, filed June 29, 1981. Applicant: FIFTH WHEEL TRUCKING, INC., Route 4, Box 26, Black River Falls, WI 54615. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting (1) *food and related products*, and (2) *such commodities* as are dealt in by retail gift and curio shops and catalog distribution centers, between points in WI, on the one hand, and, on the other, points in the U.S.

MC 149184 (Sub-1), filed June 29, 1981. Applicant: FIFTH WHEEL TRUCKING, INC., Route 4, Box 26, Black River Falls, WI 54615. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *metal products*, between points in Bergen County, NY and Trumbull County, OH, on the one hand, and, on the other, points in the U.S.

MC 151575, filed June 29, 1981. Applicant: WESTWAY TRANSPORT, INC., No. 2 Federal St., St. Albans, VT 05478. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202, (716) 853-0200. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WA, and DC, restricted to traffic having a prior or subsequent movement by rail.

MC 152205 (Sub-3), filed June 19, 1981. Applicant: CATARACT TRUCK & CAR RENTAL CORP., 2445 Allen Avenue Niagara Falls, NY 14303. Representative: Victor Silverstein, Suite 800, Western Building, 15 Court Street, Buffalo, NY 14202, (716) 853-5100. Transporting *foodstuffs and pet foods*, between the facilities of Nabisco, Inc., at points in CO, CT, FL, GA, IL, MA, MD, ME, MN, MO, NC, NH, NJ, NY, OH, PA, RI, TN, TX, VA, VT and WV.

MC 156765, filed June 30, 1981. Applicant: AURELIANO VALDEZ, d.b.a. TOLVAS INDUSTRIALES, S.A. DE C.V., Fracia No. 2305, Fraccionamiento Juana de Arco, Monterrey, Nuevo Leon, Mexico. Representative: James Haynes, Jr., 841 Matamoros St., Laredo, TX 78040, (512) 723-4032. Transporting *polypropylene pellets*, between ports of entry on the international boundary line between the U.S. and Mexico, at or near Laredo, TX, on the one hand, and, on the other, points in Harris, Houston, Fort Bend, Brazoria, Waller and Montgomery Counties, TX.

MC 155044 (Sub-1), filed June 30, 1981. Applicant: WILKIE CO., INC., 843 West College Ave., Waukesha, WI 53186. Representative: Joseph E. Ludden, P.O. Box 1567, 2707 South Ave., La Crosse, WI 54601, (608) 788-2000. Transporting *food and related products*, between points in Waukesha County, WI, Johnson County, KS, Grimes, Brazos, and Washington Counties, TX, Dougherty, Lee, Worth, and Terrell Counties, GA, and Freeborn County, MN, on the one hand, and, on the other, points in the U.S.

MC 156844, filed June 16, 1981. Applicant: A. BRENT DRAPER, d.b.a. BRENT DRAPER TRUCKING, 5280 S. 5500 W., Hooper, UT 84315. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting (1) *clay, concrete, glass or stone products*, and (2) *asphalt paving*, between points in UT and WY.

MC 156855, filed June 29, 1981. Applicant: CHEM-FREIGHT, INC., 33 Industry Dr., Bedford, OH 44146,

Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting *hazardous and toxic materials*, between points in the U.S.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 156904, filed June 26, 1981. Applicant: PACESETTERS TRAVEL SERVICES, INC., 25 Watson Circle, Montgomery, AL 36109. Representative: Naomi Golden (same address as applicant), (205) 279-6236. As a *broker*, at Montgomery, AL, in arranging for the transportation of *passengers and their baggage*, beginning at points in Montgomery County, AL, and extending to points in the U.S.

MC 156905, filed June 29, 1981. Applicant: BILL AND CAROL J. WEEKS, d.b.a. B & C TRUCKING CO., 12345 S.W. 62nd Ave., Portland, OR 97219. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Poly-Tech, div. of U.S. Industries, of Minneapolis, MN.

Volume No. OPY-3-114

Decided: July 10, 1981.

MC 13134 (Sub-106), filed June 26, 1981. Applicant: GRANT TRUCKING, INC., P.O. Box 258, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *metal products*, between Detroit, MI, on the one hand, and, on the other, points in OH.

MC 44445 (Sub-9), filed June 26, 1981. Applicant: HAROLD KLEIN CARTAGE, INC., 5235 North Hopkins St., Milwaukee, WI 53209. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *commodities which because of their size or weight require the use of special handling or equipment*, between points in WI, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, and WI.

MC 114965 (Sub-67), filed June 26, 1981. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, Iola, KS 66749. Representative: Charles H. Apt, 104 South Washington, Iola, KS 66749, (316) 365-3161. Transporting *commodities in bulk*, between points in OK, MO, TN, TX, IL, IA, AR, and NE.

MC 119695 (Sub-5), filed June 26, 1981. Applicant: HAAG TRUCK LINE, INC., 300 W. Walnut, Washington, IN 47501. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting (1) *metal products*, and (2) *rubber and plastic*

products, between points in Daviess County, IN, on the one hand, and, on the other, points in the U.S.

MC 128544 (Sub-7), filed June 26, 1981. Applicant: IOWA STEEL EXPRESS, INC., 2519 16th Ave., S.W., Cedar Rapids, IA 52406. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in MN.

MC 134484 (Sub-33), filed June 29, 1981. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Far East Europe Trading, Inc., of Emeryville, CA, B & F Distributing, Inc., and Bonneville Distributing, both of Idaho Falls, ID.

MC 143775 (Sub-165), filed June 26, 1981. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001, (202) 628-9243. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CT, IA, MD, MA, NV, NJ, NY, PA, TX, and those in Saline, Omaha and Lancaster Counties, NE, Ouchita County, AR, Branch County, MI, Oneida County, WI, and Denver, Jefferson, Douglas, Boulder, Adams, and Arapahoe Counties, CO, on the one hand, and, on the other, points in the U.S.

MC 145904 (Sub-41), filed June 26, 1981. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927-8855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Food Corporation, of Oklahoma City, OK.

MC 146465 (Sub-12), filed June 26, 1981. Applicant: LAWRENCE PILGRIM, d.b.a. PILGRIM TRUCKING COMPANY, P.O. Box 877, Cleveland, GA 30528. Representative: Robert E. Born, Suite 508, 1447 Peachtree St., N.E., Atlanta, GA 30309, (404) 892-8020. Transporting *lumber and wood products*, between points in Greene County, TN, on the one hand, and, on the other, points in the U.S.

MC 154185 (Sub-1), filed June 26, 1981. Applicant: RENN TRANSPORTATION CO., INC., 780 N. Water St., Milwaukee,

WI 53202. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305, (414) 497-7400. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Kroger Company, of Cincinnati, OH, and Swift & Company, of Chicago, IL.

MC 155814, filed June 26, 1981. Applicant: S. ALBERT MOTOR SERVICE, INC., 237 Saugus Lane, Schaumburg, IL 60194. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, (312) 782-6937. Transporting *scrap iron and steel*, between points in the U.S. under continuing contract(s) with Scrap Corp. of America, of Northbrook, IL.

MC 1515 (Sub-296), filed February 9, 1981, previously noticed in the *Federal Register* issue of March 9, 1981. Applicant: GRAYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant), (602) 248-2942. Over regular routes, transporting (1) *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (a) between Pensacola, FL and Panama City, FL over U.S. Hwy 98, (b) between junction U.S. Hwy 231 and FL Hwy 20 and Tallahassee, FL from junction U.S. Hwy 231 and FL Hwy 20 over FL Hwy 20 to Tallahassee, and return over the same route, serving all intermediate points; and (2) over irregular routes, transporting passengers and their baggage, in the same vehicle with passengers, in charter operations, beginning and ending at points in FL, and extend to points in the U.S.

Note.—This republication clarifies the route description in part (1).

MC 44735 (Sub-57), filed May 11, 1981, previously noticed in the *Federal Register* on May 29, 1981. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th St., Kansas City, MO 64126. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting (1) *building materials*, and (2) *construction materials*, between points in Posey County, IN, Will County, IL, Madison County, MO, Minneapolis, MN, St. Louis, MO, Kansas City, MO, Dallas, TX, Denver, CO, New Orleans, LA, Pembine, WI, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, KY, LA, MN, MO, NE, OK, TN, TX, and WI.

Note.—This republication corrects the territorial description.

MC 153134 (Sub-2), filed June 8, 1981, previously notice in the *Federal Register* on June 29, 1981. Applicant: HI

COUNTRY CARRIERS, INC., 4061 South Broadway, Englewood, CO 80110. Representative: Charles J. Kimball, Capitol Life Center, 1600 Sherman St., Room 665, Denver, CO 80203, (303) 839-5856. Transporting (1) *clay, concrete, glass or stone products*, between points in Wichita County, TX, on the one hand, and, on the other, those points in the U.S. in and west of MT, WY, CO, and NM, and (2) *metal products*, and (3) *clay, concrete, glass or stone products*, between points in San Bernadino County, CA, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the commodity description in Part 2.

Volume No. OPY-4-257

Decided: July 13, 1981.

MC 138366 (Sub-5), filed July 2, 1981. Applicant: DOUG RUCKDASCHEL, d.b.a. RUKDASCHEL TRUCK LINE, R.R. 1, Box 9, Postville, IA 52162. Representative: Daniel O. Hands, Suite 200-A, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *food and related products*, between points in Allamakee County, IA and Jefferson County, WI, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, and LA.

MC 143776 (Sub-27), filed July 1, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253-9527. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Meijer, Inc., of Grand Rapids, MI.

MC 143776 (Sub-28), filed July 2, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253-9527. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Bunge Edible Oil Corporation, of Kankakee, IL.

MC 147916 (Sub-2), filed July 1, 1981. Applicant: GAMPAC EXPRESS, INC., 4103 Second Ave. South, Seattle, WA 98134. Representative: Richard J. Howard, 3201 Bank of California Center, Seattle, WA 98124, (206) 464-4224. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with Lamb-Weston, Inc., of Portland, OR.

MC 154236 (Sub-1), filed July 6, 1981. Applicant: MAMMOTH OF CALIFORNIA, INC. d.b.a. MAMMOTH FREIGHT LINES, 6725 Motel Dr., Fresno, CA 93711. Representative: Edward L. Fanucchi, 2409 Merced, Suite 3, Fresno,

CA 93721, (209) 268-8771. Transporting *returned or defective merchandise*, between points in the U.S., under continuing contract(s) with Ardan, Inc., of Fresno, CA.

MC 155916 (Sub-1), filed June 26, 1981. Applicant: ARDMORE FARMS, INC., P.O. Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *plastic resins*, between points in TN, NC, SC, GA, AL, MS, and FL, on the one hand, and, on the other, points in the U.S.

MC 156946, filed July 2, 1981. Applicant: TRANSPORT SERVICES UNLIMITED, INC., 322 Front St., Spooner, WI 54801. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333-1341. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Minneapolis, MN and Spooner, WI: from Minneapolis over Interstate Hwy 35W to junction Interstate Hwy 35, then over Interstate Hwy 35 to junction U.S. Hwy 8, then over U.S. Hwy 8 to junction U.S. Hwy 53, then over U.S. Hwy 53 to Spooner, and return over the same route, and (2) between Spooner, WI and Duluth, MN, over U.S. Hwy 53, serving all intermediate points on routes (1) and (2) above and all points in Barron, Burnett, Douglas, Polk, Rusk, and Washburn Counties, WI as off-route points.

Volume No. OPY-4-261

Decided: July 13, 1981.

MC 47336 (Sub-15), filed July 6, 1981. Applicant: ECLIPSE MOTOR LINES, INC., 920 National Rd., Bridgeport, OH 43912. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *metal products*, between points in Mahoning, Belmont, and Jefferson Counties, OH, those in Washington and Westmoreland Counties, PA, and those in Brook, Hancock, Marshall, and Ohio Counties, WV, on the one hand, and, on the other, points in the U.S.

MC 151706 (Sub-2), filed June 29, 1981. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 324 Exchange Bldg., P.O. Box 1567, LaCrosse, WI 54601, (608) 788-2000. Transporting *chemicals and related products*, between the facilities of Lehn and Fink Products, at points in the U.S., on the one hand, and, on the other, points in AR, KS, MS, AL, FL, KY, LA, NC, SC, OK, VA, WV, MD, DE, and RI.

MC 155236, filed July 2, 1981. Applicant: POTTLE'S

TRANSPORTATION, INC., P.O. Box 164, Carmel, ME 04419. Representative: Clifton E. Pottle (same address as applicant), (207) 947-2179. Transporting *general commodities* (except classes A and B explosives), between points in ME, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81-21129 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the

application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7328.

Volume No. OP1-202

Decided: July 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 156851, filed June 25, 1981.
Applicant: P & L TRANSPORTATION SERVICE, PO Box 27302, Memphis, TN 38127, Representative: Robert J. Pitts. (Same address as applicant), (901) 358-1172. As a broker of general commodities (except household goods), between points in the U.S.

MC 156890, filed June 30, 1981.
Applicant: B. L. REEVER TRANSPORT, 7054 State Route #2, Martin, OH 43445. Representative: Barry Lee Reeve, P.O. Box 8122, Toledo, OH 43605, (419) 836-9572. Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156990, filed June 26, 1981.
Applicant: EUGENE BERRY, d.b.a. EAGLE TRUCKING, Box 16186, Temple Terrace, FL 33617. Representative: Laura Berry, 6719 Drifting Sands Rd., Temple Terrace, FL 33617, (813) 988-3687. Transporting food and other edible products and byproducts intended for

human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-3-113

Decided: July 10, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 89084 (Sub-8), filed June 26, 1981.
Applicant: INTERSTATE HEAVY HAULING, INC., P.O. Box 20536, Portland, OR 97220. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting, for or on behalf of the U.S. Government, general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-5-105

Decided: July 10, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Dowell not participating.)

MC 144269 (Sub-2), filed June 26, 1981.
Applicant: MESSA ENTERPRISES, INC., P.O. Box 2000, Wise, VA 24293. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893-4924. Transporting, for or on behalf of the United States Government, general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 149069 (Sub-1), filed June 17, 1981.
Applicant: KEPPEL CORPORATION, Route 1, Box 213, Staunton, VA 24401. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030, (703) 691-0900. Transporting for or on behalf of the United States Government, general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156599, filed June 11, 1981.
Applicant: BILL D. LAUTERBACH, 1985 N.W. 5th St., Gresham, OR 97030. Representative: Bill D. Lauterbach (same address as applicant), (503) 665-1642. Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156618, filed June 18, 1981.
Applicant: J & F LEASING COMPANY,

616 Essex Street, Lawrence, MA 01843. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803, 1-617-273-3530. As a broker of general commodities (except household goods), between points in the U.S.

MC 156639, filed June 19, 1981.
Applicant: STEWART TRANSPORTATION SERVICE CO., 1290 South Pearl Street, Denver, CO 80210. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Washington, DC 20036, (202) 785-0024. As a broker of general commodities (except household goods), between points in the U.S.

MC 156709, filed June 18, 1981.
Applicant: ECONO COURIER, INC., 55 River Road, Bogota, NJ 07603. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575-7700. Transporting shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 156789, filed June 25, 1981.
Applicant: JON-MAR TRUCKING CO., INC., 13 Koosman Drive, Leonario, NJ 07737. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting, for or on behalf of the United States Government, general commodities (except household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156799, filed June 26, 1981.
Applicant: LOUIS J. LEMIRE d.b.a. L & F LEMIRE TRUCKING, Star Route Box 103, Menominee, MI 49858. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, 414-273-7410. Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156819, filed June 26, 1981.
Applicant: GERARD J. MALONEY, 9 Birch Tree Lane, Livingston, NJ 07039. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036, (202) 785-0024. As a broker of general commodities (except household goods), between points in the U.S.

[FR Doc. 81-21126 Filed 7-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 122]

Motor Carriers; Permanent Authority Decisions; Restriction Removals Decision-Notice

Decided: July 15, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR Part 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.
Agatha L. Mergenovich,
Secretary.

MC 1184 (Sub-27)X, filed June 26, 1981. Applicant: K & B TRANSPORT, INCORPORATED, 21533 Mound Road, Warren, MI 48091. Representative: Alexis J. Miller, 555 S. Woodward, Ste. 512, Birmingham, MI 48011. Applicant seeks to remove restrictions in its lead and Sub-Nos. 23F, 25F and 26F certificates to: (a) broaden the commodity descriptions from new automobiles, new trucks and new chassis, imported automobiles, trailers, buses and bus chassis to "transportation equipment"; in all Sub-Nos; (b) replace one way with radial authorizations in lead and Sub-Nos. 23F and 26F; (c) remove the in truckaway and/or driveway service restrictions in lead and Sub-Nos. 23F, 25F and 26F; (d) remove the restrictions to initial and/or secondary movements in lead and Sub-Nos. 23F, 25F and 26F; (e) remove the restriction in lead limiting transportation

to traffic having an immediately prior movement by water; (f) replace city wide (South Bend, IN) authority in lead and Sub-Nos 23F, 25F and 26 with county wide (St. Joseph County, IN) authority; (g) replace city wide authority (Atlanta, GA) with county wide (Fulton and Dekalb Counties, GA), Flint, MI with Genesee County, MI and Cincinnati, OH with Hamilton County, OH) authority in the lead; and (h) remove the restriction in Sub-No. 23F to the transportation of traffic having a prior movement by rail and to that originating at named facilities.

MC 62601 (Sub-10)X, filed June 26, 1981. Applicant: ALBERT L. RING, ANDREW C. RING, BERNARD J. RING, RONALD J. RING, d.b.a. FRANK RICHARD RING, P.O. Box 96, Neola, IA 51559. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 1, 4F, and 5: (A) to broaden the commodity descriptions (1) from livestock, hay, grain, seed, agricultural implements, feed, and salt to "machinery, food and related products, and chemicals and related products" in its lead, (2)(a) eliminate all exceptions to its general commodities authority except classes A and B explosives, (b) from household goods as defined by the Commission to "household goods," (c) from feed, tankage, livestock, farm implements, building materials, and household goods as defined by the Commission, to "food and related products, building materials, Household goods, and such commodities as are dealt in by manufacturers or distributors of agricultural machinery and implements," and (d) from livestock, grain, hay, feed, agricultural implements, lumber, concrete blocks, and petroleum products in containers to "food and related products, lumber and wood products, building materials, petroleum, natural gas and their products, and such commodities as are dealt in by manufacturers or distributors or agricultural machinery and implements," in Sub-No. 1, (3) from communication equipment and telephone cable to "such commodities as are dealt in or used by manufacturers or distributors of machinery and communication equipment" in Sub-No. 4F, and (4) by removing all exceptions to its general commodities authority except dangerous explosives in Sub-No. 5F, and (B) to broaden the territorial descriptions (1) from (a) Omaha, NE, to Douglas, Washington, Sarpy, and Cass Counties, NE, in its lead and Sub-Nos. 1 (irregular routes only) and 4F, (b) Neola, IA, and points within 10 miles of Neola to

Harrison and Pottawattamie Counties, IA, in its lead, (c) Neola, IA, and points within 15 miles of Neola to Harrison, Shelby, and Pottawattamie Counties, IA, in Sub-No. 1, (d) Harlan, IA, and points within 25 miles of Harlan to Shelby, Pottawattamie, Cass, Audubon, Carroll, Crawford, Monona, and Harrison Counties, IA, in Sub-No. 1, and (e) Underwood, IA, to Pottawattamie County, IA, in Sub-No. 4F, (2) by replacing service at named intermediate points with service at all intermediate points in Sub-No. 1 (regular route), (3) by replacing service at intermediate and off-route points within 25 miles of Audubon, IA, with service at all intermediate and off-route points in Audubon, Cass, Adair, Guthrie, Greene, Carroll, Crawford, Shelby, and Pottawattamie Counties, IA, in Sub-No. 5, and (4) by replacing one-way with radial authority in Sub-Nos. 1, 4F, and 5.

MC 106009 (Sub-14)X, filed July 2, 1981. Applicant: CAUSTIC SODA TRANSPORTATION CO., P.O. Box 6035, Asheville, NC 28806. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425-13th Street, N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its regular and irregular route authority, lead and Sub-Nos. 10F, 11F and 13F certificates to (1) broaden its commodity descriptions to "commodities in bulk" from liquid caustic soda, in bulk, in tank trucks, and liquid sulphuric acid, in bulk, in tank vehicles, in the lead and Sub-Nos. 10F and 11F; acids and chemicals, in bulk, in tank vehicles, in part (1) of Sub-No. 13F and to "general commodities (except classes A and B explosives)" from general commodities (with exceptions), in part (2) of Sub-No. 13F, (2) authorize service at all intermediate points in its regular route authority, in the lead and (3) replace one-way authority with two-way authority, in the lead and Sub-No. 11F.

MC 117165, (Sub. '65)X, filed June 19, 1981. Applicant: ST. LOUIS FREIGHT LINES, INC., 1111 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 5, 36, 39, 40, 42, 43, 45F, 46F, 48F, 49F, 51F, 52F, 53F, 54F, 55F, 56F, 57F, 58F, 60F and 61F certificates: to (I) replace one way with radial authority in all Sub-Nos. except Sub-No. 60F; (II) broaden commodity descriptions and replace facilities or city designations with county wide authority, as follows: (A) in Sub-No. 5 Part (A), wall board and building board to "lumber and wood products and

building materials" and Winnebago County, WI, for facilities at or near Oshkosh, WI and remove the facilities limitation at Chicago, IL, in Par. 1; composition wood boards, panels, and sheets, and parts, materials and accessories used in connection therewith, to "lumber and wood products, and building materials", and Otsego County, MI for Gaylord, MI in Par. 2; salt and salt products, in bulk to "chemicals and related products", and Midland County, MI for Midland, MI in Par. 3; salt and salt products, other than in bulk to "chemicals and related products", and Midland County, MI for Midland, MI in Par. 4; salt and salt products to "chemicals and related products", and Midland, Gratiot, St. Clair and Manistee Counties, MI for Midland, St. Louis, Marysville, St. Clair and Manistee, MI in Par. 5; paper bags, labels, and knocked down paper boxes in mixed loads with salt, to "pulp, paper and related products", and St. Clair County, MI for St. Clair, MI and Summit County, OH for Akron, OH in Par. 6; in Sub-No. 5 Part (B) beans to "farm products", in Par. 1; brick and clay products to "clay, concrete, glass or stone products", and Franklin, Delaware and Perry Counties, OH for Blacklick, Galena, Junction City and Taylor Station, OH in Par. 2; flour, feed and grain products to "farm products", and Isabella County, MI for Mt. Pleasant, MI in Par. 3; lime and lime products to "chemicals and related products", and Wood and Sandusky Counties, OH for Woodville, OH and Isabella County, MI for Mt. Pleasant, MI in Par. 4; lime, common or hydrated, lime, chlorinated, dry or liquid, and plaster to "chemicals and related products", and Ottawa County, OH for Genoa, OH in Par. 5; petroleum and petroleum products, in containers, to "petroleum, natural gas and their products", and Hancock County, OH for Findlay, OH in Par. 6; salt to "chemicals and related products", and Manistee, Midland and Saginaw Counties, MI for Manistee, Midland and Saginaw, MI in Par. 7(a); and Gratiot and St. Clair Counties, MI for St. Louis, St. Clair, Marysville and Port Huron, MI in Par. 7(b); fertilizer to "chemicals and related products", and Hamilton County, OH for Lockland, OH in Par. 8; chemicals and insecticides to "chemicals and related products", and Gratiot County, MI for St. Louis, MI in Par. 9; animal and poultry feeds to "farm products", and Lake County, IN for Hammond, IN in Par. 11; fence and fencing materials to "metal products", and Montgomery County, IN for Crawfordsville, IN in Par. 12; over 65 specific commodities, such as paint, wall

board, boards, fasteners, metal and insulating material, to "chemicals and related products, building materials, lumber and wood products, clay, concrete, glass or stone products, metal products, and paper, pulp and related products", in Par. 13; and LaSalle and Will Counties, IL for Marseilles and Wilmington, IL and Henderson, Carroll, McCracken, Campbell and Boone Counties, KY for Newport, Carrollton, Paducah, Henderson and Latonia, KY in (a); Cook County, IL for Chicago Heights, IL and Carroll, Henderson and McCracken Counties, KY for Carrollton, Henderson and Paducah, KY in Par. (b); Lake County, IL for Waukegan, IL in Par. (c); Hamilton County, OH for Lockland, OH and Carroll County, KY for Carrollton, KY in Par. (d); Lake County, IN for Whiting, IN and Daviess County, KY for Owensboro and Camp Knox, KY, Girardeau Co., MO for Cape Girardeau, MO in Par. (e); LaSalle and Vermilion Counties, IL for Marseilles and Danville, IL and Lake County, IN for Lowell, IN, Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY, in Par. (f); Cook Co., IL for Chicago Heights, IL and Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY in Par. (g); Will County, IL for Wilmington, IL, Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY, in Par. (h); Will County, IL for Joliet, IL, Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY in Par. (i); Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY in Par. (j); St. Joseph County, IN for South Bend, IN and Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY in Par. (k); St. Joseph and Lake Counties, IN for South Bend, Lowell and Whiting, IN and Will County, IL for Joliet, IL in Par. (l); Will and Vermilion Counties, IL for Wilmington and Danville, IL and St. Joseph and Lake Counties, IN for South Bend, Lowell and Whiting, IN in Par. (m); materials and supplies used in the manufacture of roofing and asphalt siding to "building materials" and Daviess and Hardin Counties, KY for Owensboro and Fort Knox, KY, Lake County, IN for Lowell and Whiting, IN in Par. 14; rock wool to "building materials" and Madison County, IN for Alexandria, IN in Par. 15; insulating siding for exterior walls, and component parts thereof to "building materials" and Carroll County, IL for Savanna, IL in Par. 16; empty drums to "containers" and Hancock County, OH for Findlay, OH in Par. 17; Warren and Butler Counties, OH for Franklin, OH in Par. 18; in Sub-No. 5, Part (C), composition building slabs, loose or individually packaged to "building materials" and

Starke Co., IN for North Judson, IN in Par. 1; prefabricated chimneys to "clay, concrete, glass or stone products" and Bureau Co., IL for Buda, IL in Par. 2; boards, building, wall and/or insulating fibreboard, and parts, materials and accessories incidental thereto, limited to movements or flatbed vehicles to "lumber and wood products and building materials" and Alpena County, MI for facilities at or near Alpena, MI in Par. 3(a); boards, building, wall and/or insulating fibreboard, and parts, materials and accessories incidental thereto, limited to movements on flatbed vehicles to "lumber and wood products and building materials", and Alpena County, MI for Alpena, MI in Par. 4(a); roofing cement and wood preservatives to "building materials and chemicals and related products", and La Porte County, IN for Michigan City, IN in Par. 5; plastic and vinyl building materials, backerboard, and materials and supplies used in the installation thereof to "building materials and rubber and plastic products", and Nelson County, KY for facilities at Bardstown, KY in Par. 6; particle board, hardboard, plywood, moldings, and accessories for particle board, hardboard, plywood and moldings, when shipped therewith to "lumber and wood products and building materials", and Chicago, IL and Cook County, IL for facilities at Chicago and Franklin Park, IL in Par. 7; composition board, and materials, supplies and accessories used in the installation thereof, except commodities in bulk, to "building materials", and Wilkes County, NC for facilities at Roaring River, NC in par. 8; lime, in bags, to "chemicals and related products", in Par. 10; lumber to "lumber and wood products", and Otsego County, MI for Gaylord, MI in Par. 11; building boards, wall board and insulating fibreboard, sheathing, laminated wall boards, and parts, materials and accessories incidental to the commodities named above to "building materials, lumber and wood products", and Du Page County, IL for facilities near Wheaton, IL in Par. 12; Will County, IL for facilities at Wilmington, IL in Par. 13; boards, fibreboard, and composition boards, panels, sheets and parts to "building materials and lumber and wood products", and Seneca County, OH for Tiffin, OH and Alpena and Charlevoix Counties, MI for Alpena and Charlevoix, MI, Wilkes County, NC for Roaring River, NC and Dauphin County, PA for High Spire, PA in Par. 14; and remove restriction limiting transportation to traffic originating at named facilities

and destined to named points in Pars. 7, 12, and 13; and remove restriction against service to points on designated highways in Pars. 1, 2, and 10(a) and the in bulk restriction; (B) in Sub-No. 36, composition board, particle board, and plywood, and accessories, materials and supplies used in the sale and installation thereof (except in bulk) to "building materials, lumber and wood products", and Liberty and Calhoun Counties, FL for Blountstown, FL; and remove restriction limiting transportation to traffic originating at and destined to named points; (C) in Sub-No. 39, composition board and plywood to "building materials, lumber and wood products", and Lucas County, OH for facilities in Lucas County, OH; and delete the origin State exception of OH; (D) in Sub-No. 40, plastic foam insulation panels, except commodities in bulk, to "rubber and plastic products", and Will County, IL for facilities at or near Joliet, IL; and remove restriction limiting transportation to traffic originating at the named facilities; (E) in Sub-No. 42, salt (except in bulk, in tank vehicles), to "chemicals and related products", and Gratiot County, MI for St. Louis, MI; (F) in Sub-No. 43, construction materials (except commodities in bulk) to "building materials" and Adams County, MS for facilities at or near Natchez, MS and Hardin County, KY for facilities at or near Elizabethtown, KY; and remove restriction to the transportation of shipments originating at and destined to named points; (G) in Sub-No. 45F, insulation board and materials used in the installation of insulation board to "building materials", and Madison County, IN for facilities at Alexandria, IN; and plastic pipe to "rubber and plastic products", and Muscatine County, IA for facilities at Wilton, IA; (H) in Sub-No. 46F, construction materials, and materials and supplies used in the manufacture and distribution of construction materials except commodities in bulk, to "building materials", and Chicago, IL for facilities at Chicago, IL and Will County, IL for facilities at Wilmington, IL; (I) in Sub-No. 48F, salt in bags, to "chemicals and related products", and La Porte County, IN for Michigan City, IN; (J) in Sub-No. 49F, lumber and composition board, and materials, equipment and supplies used in the manufacture of these commodities to "lumber and wood products and building materials", and Lafayette County, MS for facilities at or near Oxford, MS, Charleston, Orangeburg and York Counties, SC for facilities at or near Catawba, Charleston and Orangeburg, SC and South Boston, VA

for facilities at or near South Boston, VA; (K) in Sub-No. 51F, salt in bags to "chemicals and related products", and Manistee County, MI for Manistee, MI; (L) in Sub-No. 52F, (1) building materials and asbestos fibre and cement pipe to "building materials, clay, concrete, glass or stone products", and Lake County, IL for facilities at or near Waukegan, IL; (2) insulation board to "building materials", and Will County, IL for facilities at or near Rockdale, IL; and (3) plastic pipe and accessories to "rubber and plastic products", and Muscatine County, IA for facilities at or near Wilton, IA in (a), and Madison County, TN for facilities at or near Jackson, TN; (M) in Sub-No. 53F, composition board, and materials and supplies used in the production and distribution of composition board to "building materials", and Branch County, MI for Coldwater, MI; (N) in Sub-No. 54F, construction materials (except commodities in bulk) to "building materials", and (1) (a) Dubuque, IA for facilities at or near Dubuque, IA, (b) Adams and Coles Counties, IL for facilities at or near Quincy and Charleston, IL, and Peoria, IL, for facilities at or near Peoria, IL, (c) Hardin County, KY for facilities at or near Elizabethtown, KY, (d) Hamilton and Ottawa Counties, OH for facilities at or near Lockland and Port Clinton, OH, and (e) Hancock County, WV for facilities at or near Chester, WV; (2) Waubash County, IN for Lagro, IN; and (3) Northumberland County, PA for Sunbury, PA; (O) in Sub-No. 55F, salt in bags to "chemicals and related products", and Summit County, OH for Akron, OH; (P) in Sub-No. 56F, building materials, and supplies used in the installation of the commodities of building materials (except commodities in bulk) to "building materials", and Chicago, IL for facilities at Chicago, IL and Warren County, OH for Franklin, OH; (Q) in Sub-No. 57F, materials and supplies used in the manufacture and distribution of building materials and insulating materials (except in bulk) to "building materials", and Madison and Delaware Counties, for facilities at or near Alexandria, IN, Madison County, TN for facilities at or near Jackson, TN, Lake County, IL for facilities at or near Waukegan, IL, and Muscatine Co., IA for facilities at or near Wilton, IA in (1); and points in Will County, IL for facilities at or near Rockdale, IL in (2); (R) in Sub-No. 58F, gypsum and gypsum products, and materials and supplies used in the manufacture, installation and distribution of these commodities to "building materials", and between Kent County, MI for facilities at Grand

Rapids, MI; (S) in Sub-No. 60F, in part (1) from building and construction materials, to "building materials", and remove the restriction against service to AK and HI; (T) in Sub-No. 61F, lumber, fibreboard paneling, and composition board to "lumber and wood products and building materials", and Kent County, MI for Grand Rapids, MI; (III) and remove any restrictions against transportation of traffic in bulk, in bags, in containers, or otherwise wherever they appear in its certificates.

MC 119641 (Sub-190)X, filed June 18, 1981. Applicant: RINGLE EXPRESS, INC., P.O. Box 568, Fowler, IN 47944. Representative: Michael D. McCormick, Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in part of its lead and Sub-Nos. 44, 45, 51, 60, 101, 118, 122, 132, 133, 135, 138, 161, and 164 to (1) broaden the commodity descriptions to "metal products" from iron and steel products and steel in sheets, bars, flats and shapes on sheet 5 of the lead; iron and steel articles in Sub-Nos. 44, 51, 101, 133, 161 and 164; wire, bale ties, nail, staples, steel fence and steel fence materials, pipe, sheet steel, steel ridge rolls, and steel rods, iron and steel articles, iron or steel bars, iron or steel bars reinforcements, with or without accompanying chairs, bar spacers, bar ties, bar supports, clips, screen chairs, stirrups, tie chairs or bar chairs and spacers combines, iron or steel cloth or fabric, and iron or steel mesh, bar or wire, concrete or plaster reinforcements in Sub-Nos. 45 and 60; from strip steel in Sub-No. 118; iron and steel articles in Sub-Nos. 122 and 135, fabricated aluminum products and parts, attachments and accessories in Sub-No. 135; to "waste and scrap materials" from scrap materials in Sub-No. 132, (2) remove the restriction against electric precipitators in Sub-No. 138 (3) remove the size and weight restrictions in Sub-Nos. 51 and 44 (4) remove the originating at restriction in Sub-No. 138; (5) remove facilities limitations (a) in Sub-No. 101 and replace Niles, Warren, Youngstown, Canton, Massillon and Cleveland, OH with Trumbull, Mahoning and Starke Counties, OH Cleveland, OH, (b) in Sub-No. 122 and replace Lackawanna, NY with Erie County, NY, (c) in Sub-No. 118 and replace New Castle, PA and Mattoon, IL with Lawrence County, PA, and Coles County, IL (d) in Sub-No. 135 and replace Bristol, IN with Elkhart County, IN (e) in Sub-No. 138 and replace Warren, OH with Trumbull County, OH, and (f) in Sub-No. 164 and replace Martins Ferry, Mingo Junction, Steubenville, Yorkville, and Canfield, OH and Allenport, and Monessen, PA

and Beechbottom, Follansbee, Benwood and Wheeling, WV with Belmont, Jefferson and Mahoning Counties, OH, Washington and Westmoreland Counties, PA, and Brooke, Marshall and Ohio Counties, WV. (7) remove restriction against tacking authorities in Sub-Nos. 45 and 60 for the purpose of performing any through services. (8) change city to county-wide authority (a) from Shelbyville, IL to Shelby County, IL from Battle Creek, MI and Springfield, OH to Calhoun County, MI and Clark County, OH in the lead, sheet 5, (b) from Kokomo, IN to Howard County, IN in Sub-Nos. 44, 45, 51, and 60, and (c) from Darlington, SC to Darlington County, SC in Sub-No. 133, and (9) change one-way to radial authority in part of the lead, and Sub-Nos. 45, 51, 60, 101, 118, 122, 132, 133, 135, 138, 161 and 164, and (10) remove originating at and/or destined to restrictions in Sub-Nos. 101 and 133.

Note.—Applicant's authority to tack will be governed by 49 CFR 1042.10(b).

MC 119789 (Sub-675)X, filed July 6, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. Applicant seeks to remove restrictions in its Sub-No. 675F certificate to (1) substitute two-way radial authority for existing one way service in Sub-No. 675F; (2) to replace authority to serve plantsite with county-wide authority, Orange County, CA for Justin, CA in Sub-No. 675F, and remove restrictions against service to AK, CA, and HI in its authority to serve points in the U.S.

MC 121677 (Sub-5)X, filed June 22, 1981. Applicant: WARREN COUNTY FREIGHT LINES, INC., 601 Red Road, McMinnville, TN 37110. Representative: Henry E. Seaton, 929 Pennsylvania Building, 425 13th Street, NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2 certificates to (1) to remove all restrictions in its general commodities authority "except classes A and B explosives," in each certificate; and (2) broaden the regular-route authority in both certificates to authorize service at all intermediate points on described regular-routes between (a) Nashville, TN, and Cookeville, TN, (b) Nashville, TN, and Rock Island, TN, and (c) Nashville, TN, and McMinnville, TN.

Note.—Applicant's authority to tack will be governed by 49 CFR 1042.10(b).

MC 124887 (Sub-133)X, filed June 22, 1981. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Applicant seeks to remove

restrictions in its Sub-Nos. 1, 3, 4, 9, 11M1F, 16, 17, 18, 22, 23, 25, 27, 28, 32, 33, 34, 35, 38, 40, 42, 44, 46, 48, 51F, 52F, 54F, 55F, 56F, 59F, 60F, 61F, 62, 63F, 64F, 65F, 67F, 71F, 72F, 73, 74F, 76F, 79, 80F, 85F, 88, 90F, 96F, 97F, 98, 100F, 101F, 102F, 103F, 107F, 108F, 109F, 112F, 113F, 114F, 115F, 117F, 118F, 119F, 121F, 122F, 125F, and 128F and authority acquired in MC-F-13411 (No. MC-116323), to broaden its commodity descriptions: in Sub-No. 1, to "chemicals and related products, food and related products, lumber and wood products, and nonmetallic minerals", from fertilizer and materials, in bags, poultry feed and materials, animal feed and materials in bags and in dry bulk, and treated fenceposts; in Sub-Nos. 3, 9, 18, 25, 34, 58F, 59F, 61F, 73, and 97F part (1), to "lumber and wood products", from wood chips, veneer, wood waste materials, wood residuals, pallets, pallet parts, lumber, cross ties, and plywood; in Sub-No. 4 parts (1) and (2), to "building materials and accessories, materials and supplies used in the manufacture and distribution thereof", from composition board, particle board, and plywood, and accessories, materials, and supplies used in the sale and installation thereof (except in bulk); in Sub-No. 11M1F, to "building materials and petroleum, natural gas and their products", from building materials and asphalt paving materials (except commodities in bulk), to "metal products", from steel joists; to "furniture and fixtures", from lighting fixtures and materials and supplies used in the installation and manufacture thereof (except commodities in bulk); and to "lumber and wood products" from composition board; in Sub-No. 16 and 118F to "pulp, paper, and related products", from waste or scrap paper; in Sub-No. 17 parts (1) and (2) to "building materials, and materials, equipment, and supplies used in the manufacture and distribution thereof", from roofing and roofing materials, and materials, equipment, and supplies used in the manufacture, distribution, or installation thereof; in Sub-Nos. 22, 23, 35, 42, 44, 54F, 62, 63F, 72F, 100F part (1), 101F, and 113F, to "building materials", from composition board, plywood, particleboard, gypsum, gypsum products (except in bulk), wall paneling, pre-cut log buildings, brick, tile, hardboard paneling, prefabricated log houses, construction materials, lumber and lumber mill products; in Sub-No. 27, to "such commodities as are dealt in or used by mobile and modular home manufacturers", from materials and supplies used in the manufacture and installation of mobile and modular homes; in Sub-Nos. 28, 52F, and 96F, to

"chemicals and related products", from tall oil, tall oil products, and heads cuts, fatty acids, rosin, fractionated from crude tall oil (except commodities in bulk) and terpene chemicals (except in bulk); in Sub-Nos. 32, 33, and 79, to "chemicals and related products, and nonmetallic minerals", from fertilizer and fertilizer materials, dry (except in bulk); in Sub-Nos. 38, 46, 55F, 60F, 65F, 88, 102F, 107F, and 125F, to "metal products", from iron and steel articles, (except pig iron and scrap metals, in dump vehicles), steel wire, reinforcement mesh, steel joist, nails and construction mesh, metals, materials equipment and supplies used in the production of iron and steel articles, and primary metal products including galvanized (except coating or other allied processing) etc.; in Sub-No. 80F, to "metal products, and clay, concrete, glass or stone products", from iron and steel articles and pipe (except commodities in bulk); in Sub-Nos. 103F and 114F, to "metal products, and materials, equipment and supplies used in the manufacture and distribution thereof", from iron and steel articles, and materials, equipment and supplies used in the production thereof; in Sub-No. 40, to "clay, concrete, glass or stone products", from precast concrete; in Sub-No. 48, to "rubber and plastic products, and materials and supplies used in the manufacture and installation thereof", from plastic pipe and fittings, and materials and supplies used in the manufacture and installation of plastic pipe and fittings; in Sub-No. 51F, to "clay, concrete, glass or stone products, and nonmetallic minerals", from magnesite and magnesium products; in Sub-No. 64F, to "lumber and wood products, machinery, and metal products", from railroad equipment; in Sub-No. 67F parts (1) and (2) to "chemicals and related products, clay, concrete, glass or stone products and nonmetallic minerals", from refractories, magnesite, magnesite products, limestone and limestone products; in Sub-No. 71F, to "building materials, and lumber and wood products", from lumber, lumber products, and particleboard; in Sub-No. 74F, to "Building materials, and clay, concrete, glass or stone products", from brick and structural facing tile; in Sub-No. 76F, to "such commodities as are dealt in or used by stove and metal bed manufactures", from materials used in the manufacture of stoves and metal beds; in Sub-No. 84F, to "chemicals and related products, nonmetallic minerals, and materials used in the manufacture thereof" from chemicals, fertilizer, and materials used in the manufacture of fertilizer; in Sub-Nos. 90F, 108F, part (1),

and 122F, to "general commodities (except classes A and B explosives)," from general commodities (with exceptions); in Sub-No. 98, to "chemicals and related products, nonmetallic minerals, and materials, equipment and supplies used in the manufacture thereof", from fertilizer and fertilizer materials and materials, equipment and supplies used in the manufacture of fertilizer; Sub-No. 109F and 119F, to "metal products and materials, equipment, and supplies used in the manufacture and distribution thereof", from iron and steel articles, pipe, and materials, equipment and supplies used in the production, manufacture and distribution thereof; in Sub-No. 112F, to "building materials, and materials, equipment, and supplies used in the manufacture and distribution thereof", from pre-cut log buildings and materials, equipment and supplies thereof; in Sub-Nos. 115F and 117F, to "building materials, and metal products, and materials, equipment and supplies used in the manufacture and distribution thereof", from steel roofing, steel siding, and components, and materials, equipment and supplies used in the manufacture and distribution thereof, prefabricated buildings, parts, attachments, tools and accessories used in the erection or installation thereof; in Sub-No. 121F, to "chemicals and related products, and equipment, materials and supplies used in the manufacture and distribution thereof", from chemicals, and equipment, materials and supplies used in the manufacture and distribution of chemicals; and in MC-F-13411, to "building materials, lumber and wood products, and forest products", from metal and concrete floor and roof materials, and lumber and forest products, except veneer and veneer products and plywood and plywood products; (2) replace cities with county-wide authority: in Sub-No. 1, Guntersville, AL, with Marshall County, AL; in Sub-No. 3, Cedar Springs, GA, with Early County, GA; in Sub-Nos. 4 and 44, facilities at Blountstown, FL, with Calhoun County, FL; in Sub-No. 11M1F, facilities in Wayne County, NC, with Wayne County, NC; Scottsboro, AL, with Jackson County, AL; and facilities at or near Marion, SC, with Marion County, SC; in Sub-No. 16, Cedar Springs and Savannah, GA, with Early and Chatham Counties, GA; in Sub-Nos. 17 and 40 facilities at or near Peachtree City, GA, with Fayette County, GA; in Sub-No. 18, Folkston, Higgston, and Meldrim, GA, with Charlton, Effingham, and Montgomery Counties, GA; in Sub-No. 22, facilities in Lucas County, OH, with Lucas County, OH; in Sub-No. 23,

facilities at or near Clayton, AL, with Barbour County, AL; in Sub-No. 25, facilities at Albertville, AL, with Marshall County, AL; in Sub-No. 27, facilities at Cullman, AL, with Cullman County, AL; in Sub-No. 28, Porte St. Joe, FL, with Gulf County, FL; Mobile, AL, Jacksonville and Miami, FL, and Savannah, GA, with Mobile County, AL, Duval and Dade Counties, FL, and Chatham County, GA; in Sub-No. 32, facilities at or near Ozark, AL, with Dale County, AL; in Sub-No. 33, Sneads, FL, with Jackson County, FL; in Sub-No. 34, facilities at or near Crestview, DeFuniak and West Bay, FL, with Okaloosa, Walton, and Bay Counties, FL; in Sub-Nos. 35 and 38, facilities at or near Savannah, GA with Chatham County, GA; in Sub-No. 42, facilities at Norfolk, VA, with Norfolk, VA; in Sub-No. 46, facilities at Darlington, SC, with Darlington County, SC; in Sub-Nos. 51F and 52F, Porte St. Joe, FL, with Gulf County, FL; in Sub-No. 55F, facilities at or near Mt. Airy, NC, with Surry County, NC; in Sub-No. 60F, facilities at or near Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, Allenport and Monessen, PA, and Beechbottom, Benwood, Follansbee, and Wheeling, WV, with Mahoning, Belmont, and Jefferson Counties, OH, Washington and Westmoreland Counties, PA, and Brooke, Marshall, and Ohio Counties, WV, in Sub-No. 62, facilities at or near East Camden, AR; with Quachita County, AR; in Sub-No. 63F, facilities at or near Fletcher and Stateroad, NC, with Henderson and Surry Counties, NC; in Sub-No. 64F, Greenville, SC, with Greenville County, SC; in Sub-No. 65F, facilities in Florence County, SC, with Florence County, SC; in Sub-No. 67F, facilities at or near Maple Grove and Beltsville, OH, with Seneca County, OH, and Port St. Joe, FL, with Gulf County, FL; in Sub-No. 74F, East Canton, OH, with Stark County, OH; in Sub-No. 76F, facilities at or near Watkinsville, GA, with Oconee County, GA; in Sub-No. 79, Pascagoula, Meridian, and Yazoo City, MS, with Jackson, Lauderdale, and Yazoo Counties, MS, and Donaldsonville, LA, with Ascension Parish, LA; in Sub-No. 80F, Conroe, TX, with Montgomery County, TX; in Sub-No. 85F, Ozark, AL, and Walnut Ridge, AR, with Dale County, AL, and Lawrence County, AR; in Sub-Nos. 88 and 103F, Aberdeen, NC, with Moore County, NC; in Sub-Nos. 90F and 108F, Panama City, FL, with Bay County, FL; in Sub-No. 96F, Jacksonville, FL, and Savannah, GA, with Duval County, FL, and Chatham County, GA; in Sub-No. 97F, Cedar Springs, GA, with Early County, GA; in Sub-No. 98, Pace,

FL, with Santa Rosa County, FL; in Sub-No. 102F, Quincy, FL, with Gadsden County, FL; in Sub-No. 112F, Claremore, OK, with Rogers County, OK; in Sub-No. 115F, Bossier City, LA, Clinton, IL, and Peachtree City, GA, with Bossier Parish, LA, DeWitt County, IL, and Fayette County, GA; in Sub-No. 117F, Portland, TN, with Sumner County, TN; in Sub-No. 118F, Macon, GA, with Biff County, GA; and in MC-F-13411, Lilesville, NC, with Anson County, NC; (3) change its one way to radial authority between specified cities, counties, and States in the U.S., in Sub-Nos. 1, 3, 4, 11M1F, 16, 17, 18, 22, 23, 25, 28, 32, 33, 34, 35, 38, 40, 42, 44, 46, 51F, 52F, 54F, 55F, 58F, 59F, 60F, 61F, 62, 63F, 65F, 67F, 71F, 73, 74F, 76F, 79, 85F, 88, 96F, 97F, 117F, 118F, 119F, and MC-F-13411; (4) eliminate (a) the commodities in bulk restrictions wherever they appear, (b) originating at end destined to restrictions in Sub-Nos. 11M1F, 17, 23, 25, and 64F, (c) the AK and HI exceptions wherever they appear, and (d) restriction limiting transportation of traffic having an immediately and/or prior or subsequent movement by water, in Sub-Nos. 28 and 90F.

MC 125616 (Sub-10)X, filed June 18, 1981. Applicant: PAUL HENRY AIR FREIGHT, INC., P.O. Box 255, Airport Industrial Park. Representative: Russell S. Bernhard, 1625 K. St. N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead and Sub-No. 9F certificates to (1) remove all exceptions to its general commodity authority, except "classes A and B explosives" in its lead and Sub-No. 9F; (2) replace authority to serve named airports with city-wide authority: Washington, D.C., (for Dulles International Airport and Washington National Airport), Baltimore, MD, (for Friendship International Airport) in lead and Sub-No. 9F; (3) change the territorial description from part of Montgomery County, MD to all of Montgomery County, MD in lead; (4) remove the restriction limiting service to traffic having a prior or immediately prior or subsequent movement by air in lead and Sub-No. 9F; and (5) remove restriction against the transportation of machinery or machinery parts from Waynesboro, PA to Dulles International and Washington National Airports in lead.

MC 128981 (Sub-11)X, filed July 6, 1981. Applicant: LAND-AIR DELIVERY, INC., P.O. Box 2250, Bowling Green, KY 42101. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Applicant seeks to remove restrictions in its Sub-No. 11X certificate to eliminate the restriction against traffic

moving between Little Rock Municipal Airport, and airports in OK, TX, and MO in part (2).

MC 129660 (Sub-12)X, filed June 22, 1981. Applicant: MALLETT BROTHERS TRUCK LINE, INC., 3708 Highway 90, Gautier, MS 39553. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 4, 5, 6, 8, 9F, and 10F certificates to (1) broaden the commodity descriptions: in the lead and Sub-No. 9, to "clay, concrete, glass or stone products" from refractory products; Sub-No. 1, to "ores and minerals" from magnesite; Sub-No. 2, to "lumber and wood products, and building materials" from plywood, molding and trim; Sub-Nos. 4 and 10, to "lumber and wood products" from lumber; Sub-No. 5, to "metal products" from iron and steel articles and ferrous scrap; Sub-No. 6, to "chemicals and related products" from fertilizer; and Sub-No. 8, to "lumber and wood products, and building materials" from plywood, and materials, supplies and equipment used in the manufacture of plywood (except in bulk); and remove the "in bulk, in dump vehicles" restriction in Sub-No. 1; (2) change one-way authority to radial authority in all certificates; (3) remove restrictions in Sub-No. 5 restricting service to the transportation of shipments (a) destined to points in the nine States, named, (b) having an immediately prior movement by water in foreign commerce, and (c) originating in MS and having a subsequent movement by rail or water; and (4) broaden the named plantsites and municipalities to county-wide authority, as follows: in the lead and Sub-Nos. 1, 2, 6, 8, and 9, Jackson County, MS (for Pascagoula, MS, and facilities at Pascagoula, MS); and Sub-Nos. 4, 5, and 10, Harrison County, MS (Gulfport, MS, and facilities at Gulfport, MS).

MC 134493 (Sub-10)X, filed July 6, 1981. Applicant: CHICAGO-ST. LOUIS TRANSPORT, INC., 2064 W. 167th Street, Markham, IL 60426. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 5 certificate to (1) delete all exceptions from the general commodity description except classes A and B explosives, and (2) replace Teutopolis and Elk Grove Village, IL with authority to serve Effingham, Cook, and DuPage Counties, IL.

MC 135215 (Sub-11)X, filed June 26, 1981. Applicant: BULK TRANSPORTATION, 415 Lemon Avenue, Walnut, CA 91789.

Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Applicant seeks to remove restrictions in its lead and Sub Nos. 5F, 7F, 9F, and 10F certificates and in its MC-145455F lead permit and Sub Nos. 2F and 3F to (A) in its certificates (1) broaden the commodity descriptions from (a) chemical fertilizers, dry fertilizers, and agricultural chemicals to "chemicals and related products," in its lead and Sub No. 7F, and (b) lime to "clay, concrete, glass or stone products," in Sub Nos. 5F, 9F, and 10F; (2) replace city-wide authority with county-wide authority as follows: (a) Nelson, AZ, to Coconino and Yavapai Counties, AZ, in Sub No. 5F, and (b) City of Industry, CA, to Los Angeles County, CA, and El Paso, TX to El Paso County, TX, in Sub No. 9F; and (3) broaden the territorial description to authorize radial authority to replace existing one-way service: (a) between points in CA and points in AZ and NV, in the lead and Sub No. 7F, (b) between specified counties in AZ and points in CA, in Sub No. 5F, (c) between Los Angeles County, CA, and El Paso County, TX, and points in NV, AZ, and NM in Sub No. 9F, and (d) between Clark County, NV, and points in CA and AZ in Sub No. 10F; and (4) remove bulk and bag restrictions, in the lead and Sub No. 10F; and (B) in its permits (1) broaden the commodity descriptions from liquid animal feed preparations, supplements, and additives and liquid feed ingredients to "food and related products," in the lead and Sub Nos. 2F and 3F; (2) broaden the territorial description to between points in the United States under continuing contract(s) with named shippers; and (3) remove bulk restrictions in the lead and Sub No. 2F.

MC 135524 (Sub-169)X, filed June 22, 1981. Applicant: G. F. TRUCKING COMPANY, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Spring Road, Youngstown, OH 44509. Applicant seeks to remove restrictions in its Sub-Nos. 11, 23F, 30, 34F, 48F, 55F, 58F, 67, 69F, 72F, 76F, 79F, 88F, 114, 123F, 127F, 131F, 134F, 137F, 142F, 145F, 152F, 153F, 157F, and 163F certificates to (1) broaden the commodity description from pipe (other than iron and steel) and accessories, parts, fittings and attachments therefor, materials, supplies and equipment used in the manufacture of pipe, (other than iron and steel), to "rubber and plastic products, clay, concrete, glass or stone products, metal products, building materials and materials, supplies and equipment used in their manufacture", in Sub-No. 11; from (a) conveyors and

conveyor systems, to "machinery," in part (a) of Sub-No. 23F; from lumber and lumber products to "lumber and wood products", in Sub-No. 30; from plastic pipe, fittings, valves, and hydrants to "rubber and plastic products, clay, concrete, glass or stone products, metal products, and building materials", in part (a) in Sub-No. 34F; from scrap and recycled materials to "waste or scrap not identified by industry producing" in Sub-No. 48F; from iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles to "metal products, and materials, equipment, and supplies used in the manufacture and distribution of metal products" in Sub-No. 55F; from culverts, guard rails, iron and steel articles, retaining walls, sound barrier systems, highway signs, highway safety products, rolling mill shapes and feed-lot mats to "lumber and wood products, chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery," and those commodities which because of size or weight require the use of special handling or equipment in part (a) of Sub-No. 58F; from rubber articles and plastic articles, to "rubber and plastic products," in part (1) of Sub-No. 67F; from flavoring compounds to "food and related products" in Sub-No. 69F; from iron and steel articles, (except pipe), and pipe to "rubber and plastic products, clay, concrete, glass or stone products, metal products, and building materials" in part (1) of Sub-No. 72F; from iron and steel articles, and materials, equipment and supplies used in the manufacture of iron and steel articles to "metal products and materials, equipment and supplies used in the manufacture of metal products" in Sub-No. 76F; from lumber and lumber products to "lumber and wood products", in Sub-Nos. 79F and 114; from welding equipment, materials, and supplies to "machinery and related materials, and supplies" in Sub-No. 88F; from (1)(a) plastic pipe and plastic pipe fittings to "rubber and plastic products"; (2)(a) clay products, and (b) materials, used in the manufacture and distribution and installation of clay products, to "(a) clay, concrete, glass, or stone products and (b) materials used in the manufacture, distribution, and installation of the commodities in (a)" and (3) iron and steel articles to "metal products" in Sub-No. 123F; from (a) plumbing supplies, vanities and vanity cabinets and iron and steel products to "ores and minerals, lumber and wood products, furniture and fixtures, chemicals and related products, rubber

and plastic products, clay, concrete, glass or stone products, metal products, machinery, and building materials", in part (1) of Sub-No. 131F; from (1) rough iron castings, and (2) materials, equipment and supplies used in the manufacture and distribution of iron and steel articles to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products" in Sub-No. 134F; from iron and steel pipe tubing, to "metal products, and building materials" in part (1) of Sub-No. 137; from (a) log homes, lumber and lumber products, metal and metal products, to "forest products, ores and minerals, lumber and wood products, metal products, and building materials, in part (1) of Sub-No. 142F; from plastic, plastic products, rubber and rubber products to "rubber and plastic products", in part (1) of Sub-No. 145F; from (a) iron and steel articles, aluminum articles, plastic articles and hardware to "furniture and fixtures metal products, and rubber and plastic products" in part (1) of Sub-Nos. 152F and 153F from aluminum articles to metal products in part (1) of Sub-No. 157F; from iron and steel articles to "metal products" in part (2) of Sub-No. 127F; (2) remove the AK and HI exceptions in Sub-Nos. 67, 72F, 88F, 114, 127F, 131F, 134F, 137F, 142F, 145F and 153F; (3) remove the "in bulk" restrictions, in Sub-Nos. 11, 134F and 145F; (4) remove the facilities restrictions, in Sub-Nos. 11, 23F, 34F, 67, 79F and 88F; (5) substitute radial authority in place of one-way authority, in Sub-Nos. 11, 30, 34F, 69F, 72F, 79F, and 134F and (6) broaden the territorial description by substituting county-wide and city-wide authority for city-wide authority and facilities as follows: in Sub-No. 11, Portage County, OH (plantsite at Ravenna, OH); Mobile County, AL (Mobile); Scotland County, NC (Lawrenburg, NC); Jackson County, MS (Pascagoula); Somerset County, NJ (Manville); Middlesex County, NJ (Woodbridge); Geauga County, OH (Chardon); Stark County, OH (Middlebranch); Summit County, OH (Twinsburg); Westmoreland and Allegheny Counties, PA (Perrysville); Lawrence County, PA (Wampum) and Newark, NJ; in Sub-No. 23F, Boone County, OH (facilities near Florence, KY); in Sub-No. 30, Rosebud County, MT, (Ashland, MT); in Sub-No. 34F, Boone County, MO (facilities near Columbia, MO); in Sub-No. 58F, Trumbull County, OH and Allegheny County, PA (Girard, OH and Neville Island, PA); in Sub-No. 67, Dallas County, TX (facilities near Irving, TX) in Sub-No. 69, Douglas County, NE

(Omaha); Lade County, FL (Eurstis); Mecklenburg County, NC (Charlotte); Bristol County, MA (New Bedford); Granite City, MO, Lenexa, KS; Union, NY; Houston, TX; Columbus, OH; Birmingham, AL and Baltimore, MD; in Sub-No. 72F, Conroe, TX; in Sub-No. 79F, Yell and Columbia County, AR (Ola and Waldo, AR) in Sub-No. 88F, Outagamie County, WI (facilities near Appleton, WI); in Sub-No. 114, Hocking County, OH (Logan); St. Clair County, IL (East St. Louis, IL); Lincoln County, MO, (Winfield, MO); and St. Louis, MO; in Sub-No. 123F, Elkhart County, IN, (Bristol, IN); Lancaster County, PA (Leola, PA); Carroll County, OH (Carrollton, OH); Harrison County, OH (Bowerston, OH); Tuscarawas County, OH (Tuscarawas County, OH); in Sub-No. 131F, Evansville, IN and Spencer County, IN (Rockport, IN); in Sub-No. 134F, Jefferson County, AL (Bessemer, AL); in Sub-No. 137F, Wyoming County, NY (Wyoming, NY) in Sub-No. 145F, Dallas County, TX (Grand Prairie, TX); in Sub-No. 163, Fresno County, CA (Lanare, CA); Kings County, CA (Hub, CA); San Bernardino County, CA (Mentone, CA); Washington County, NE (Desoto and Nashville, NE); Fulton County, KY (Jordon, KY); Harrison County, WV (Spelter and Farnum, WV); Warren County, IL (Roseville and Youngstown, IL); Ottawa County, OK (Commerce, OK).

MC 138283, (Sub-16)X, filed July 6, 1981. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 11F permit to (1) broaden the commodity description to "food and related products" from bakery products (except frozen), and (2) broaden the territorial description to authorize service between points in the United States, under continuing contract(s) with a named shipper.

MC 138652, (Sub-10) X, filed June 30, 1981. Applicant: BAKER TRUCK SERVICE, INC., P.O. Box 1301, Lewiston, ID 83501. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4F, 7F, and 9F certificates to (1) broaden its commodity descriptions to (a) "lumber and wood products and building materials" from particleboard, lumber and pre-cut log homes, knocked-down, pressure treated power poles, fence poles and treated dimensional lumber in Sub-Nos. 4F, 7F, 9F and parts (1), (4) and (8) of Sub-No. 3; (b) "machinery, those commodities which because of their size or weight

require the use of special handling or equipment, building materials, food and related products, clay, concrete, glass or stone products, coal and petroleum products, and forest products" from heavy machinery, including farm machinery, agricultural commodities, livestock, building materials, cement, sand, gravel, manufactured forest products, food, seed, coal, and wood fuel in part (2) of Sub-No. 3; and "forest products, lumber and wood products, building materials, machinery, those commodities which because of their size or weight require the use of special handling or equipment food and related products, coal and coal and petroleum products" from forest products, building materials, machinery and equipment, grain and seed, hay and straw, and coal and wood in part (3) of Sub-No. 3; (c) "lumber and wood products building materials and furniture and fixtures" from lumber, millwork and shingles in part (5) of Sub-No. 3; (d) "machinery, those commodities which because of their size or weight require the use of special handling or equipment, clay, concrete, glass or stone products, building materials, and food and related products" from livestock, machinery, cement, brick and building materials, and agricultural commodities, including seeds, in part (6) of Sub-No. 3; (e) "waste or scrap materials not identified by industry producing" from scrap metal in part (7) of Sub-No. 3; (2) replace its cities and facilities with county wide authority: in Sub-No. 3; Garfield, WA, and Tacoma, WA within Whitman and Pierce Counties, WA and facilities at La Grande, OR with Union County, OR; in Sub-No. 4F facilities at Chester, GA and Juliaetta, ID with Plumas County, CA and Latah County, ID; and in Sub-No. 9F, facilities at Boise, ID with Ada County, ID; (3) authorize service to all intermediate points between (a) Riggins and New Meadows, ID and (b) New Meadows and McCall, ID, in Sub-No. 3; the regular route portion; (4) replace authority to serve (a) points in ID, WA, and OR within 50 miles of Riggins, ID, with Washington, Gem, Valley, Custer, Lemhi, Idaho, Nez Perce, Lewis, Clearwater, Latah, Benewah, Shoshone and Kootenai Counties, ID, Spokane, Lincoln, Grant, Adams, Whitman, Franklin, Garfield, Columbia, Benton, Walla Walla and Asotin Counties, WA, and Umatilla, Wallowa, Union, Grant, Baker, Malheur, Harney and Marrow Counties, OR, in part (4) of Sub-No. 3; (b) points within 150 miles of Orofino, ID, with Washington, Gem, Valley, Custer, Lemhi, Idaho, Nez Perce, Lewis, Clearwater, Latah, Benewash, Shoshone, Kootenai, Banner, and

Boundary Counties, ID Beaverhead, Ravalli, Deer Lodge, Granite, Powell, Missoula, Mineral, Sanders, Lake, Lewis and Clark, Lincoln and Flathead Counties, MT, Pend Oreille, Stevens, Spokane, Lincoln, Grant, Adams, Whitman, Franklin, Garfield, Columbia, Benton, Walla Walla and Asotin Counties, WA, and Umatilla, Wallawa, Union, Grant and Baker Counties, OR, in part (5) of Sub-No. 3; and (c) points in ID and WA within 150 miles of Orofino, ID with points in ID in and north of Washington, Gem, Valley, Custer and Lemhi Counties, ID, and Pend Oreille, Stevens, Spokane, Lincoln, Grant, Adams, Whitman, Franklin, Garfield, Columbia, Benton, Walla Walla, and Asotin Counties, WA, in part (6) of Sub-No. 3, with authority to serve named counties; (5) replace one-way with radial authority between (a) points in ID, and, points in Multnomah and Washington, Counties, OR, and points in Pierce, King, and Spokane Counties, WA, in part (7) of Sub-No. 3; and points in Union County, OR, and, points in Pierce County, WA, in part (8) of Sub-No. 3; (b) points in Plumas County, CA, and, points in Latah County, ID, in Sub-No. 4F; and (c) points in Ada County, ID, and, points in NE, ND, MT, and SD in Sub-No. 9F.

MC 145526 (Sub-2)X, filed June 30, 1981. Applicant: CTC TRANSPORTATION, INC., 514 North Clairborne Ave., New Orleans, LA 70112. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its lead and Sub-No. 1 certificates to (1) broaden the commodity description from household goods, in containers, in its lead to "household goods"; from general commodities (with exceptions) in Sub-No. 1, to "general commodities (except classes A and B explosives)"; (2) replace Long Beach, Oakland, and Los Angeles, CA, with Los Angeles, Alameda, Contra Costa, and San Francisco Counties, CA, Houston, TX, with Harris, Ft. Bend, Brazoria, Chambers and Montgomery Counties, TX, in its lead and New Orleans, LA, with Orleans, St. Charles and Jefferson Parishes, LA, Jacksonville, FL, with Duval, Nassau, Clay, and St. Johns Counties, FL, Savannah, GA, with Chatham County, GA, and Charleston, SC, with Charleston, Berkeley, and Dorchester Counties, SC, in its lead and Sub-No. 1; (3) remove a restriction requiring traffic to have a prior or subsequent movement by water in Sub-No. 1; and (4) remove the exception of AK and HI.

MC 148095 (Sub-3)X, filed July 6, 1981. Applicant: TROJAN FREIGHT LINES,

LTD, P.O. Box 3030, Station A, Mississauga, Ontario, Canada L5A 353. Representative: Jack Goodman, Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description from general commodities with exceptions to "general commodities (except classes A and B explosives)"; and (2) expand territorial description from points within 8 miles of Detroit, MI including Detroit to county-wide authority of Wayne, Oakland, Macomb, Monroe, Livingston and Washtenaw Counties, MI.

MC 148538 (Sub-2)X, filed July 6, 1981. Applicant: JOMAR TRUCK LINE, INC., 7547 W. Ponderosa Court, Orland Park, IL 60462. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from iron and steel articles to "metal products", (2) replace one-way authority with radial authority and (3) broaden the territorial description by substituting county-wide authority for city-wide authority as follows: Scott County, IA (for Bettendorf, IA).

MC 151065 (Sub-1)X, filed July 1, 1981. Applicant: KANSAS CITY PIGGYBACK, INC., 3600 Great Midwest Drive, Kansas City, MO 64161. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, Liberty, MO 64068. Applicant seeks to remove the restrictions in its lead certificate, to (1) broaden the commodity description from general commodities with exceptions to "general commodities (except classes A and B explosives)", and (2) remove the prior or subsequent by rail piggyback restriction.

MC 151333 (Sub-2)X, filed July 2, 1981. Applicant: PASCUZZO & HONEYMAN TRUCKING, INC., 5127 S. Maywood Ave., Maywood, CA 90270. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Applicant seeks (A) to remove restrictions in its MC-151333 Sub-No. 1 certificate to (1) remove exceptions to "general commodities (except classes A and B explosives)", and (2) remove the restriction requiring transportation to move on bills of lading of freight forwarders in its authority to serve 12 western States; and (B) to remove restrictions in its MC 142122 Sub-No. 1 permit to (1) broaden the commodity description from chioite (except in bulk), to "ores and minerals"; and (2) broaden the territorial description to between points in the U.S.

under continuing contract(s) with named shipper.

[FR Doc. 81-21137 Filed 7-17-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

U.S. v. Valentine Pulp and Paper Co.; Proposed Consent Decree

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19025, notice is hereby given that a proposed consent decree in *United States v. Valentine Pulp and Paper Company*, (E.D. La. No. 80-1180(A)(3)), was lodged with the United States District Court for the Eastern District of Louisiana. The proposed consent decree requires the defendant to construct at its Lockport, Louisiana facility, a new holding pond to hold storm water until it can be treated. In addition, Valentine Pulp and Paper Company, is required to change its process from bagasse to deinking. Further the decree requires a penalty payment of \$65,000 upon entry of this decree. Finally, the decree requires stipulated penalties for violation of the terms and conditions of the consent decree.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty days (30) from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Valentine Pulp and Paper Company*, (D.J. Ref. No. 90-5-1-1-1351).

The proposed consent decree may be examined at the Clerk's Office, Hale Boggs, Federal Building, 500 Camp Street, New Orleans, Louisiana; and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1254, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, of the United States Department of Justice. There is a copying charge of \$2.20 reflecting a rate of ten cents per page. Checks should be made payable to the Treasurer of the United States.

Carol E. Dinkins,
Assistant Attorney General, Land and
Natural Resources Division.

[FR Doc. 81-21094 Filed 7-17-81; 8:45 am]
BILLING CODE 4410-01-M

NATIONAL SCIENCE FOUNDATION**Advisory Committee for Physics Subcommittee for the Review of the NSF Atomic, Molecular, and Plasma Physics Program**

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463 the National Science Foundation announces the following meeting:

Name: Advisory Committee for Physics; Subcommittee for the Review of the NSF Atomic, Molecular, and Plasma Physics Program.

Date and time: July 30-31; 9:00 a.m. to 5:00 p.m. each day.

Place: Room 341, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550

Type of meeting: Closed.

Contact person: Dr. Laura P. Bautz, Deputy Director, Division of Physics, Room 341, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357-7611.

Purpose of subcommittee: To provide oversight concerning NSF support for research in atomic, molecular, and plasma physics.

Agenda: To review NSF Atomic, Molecular, and Plasma Physics Program documentation as part of the program oversight function.

Reason for closing: The meeting will deal with a review of grants and declarations in which the Subcommittee will review materials containing the names of applicant institutions and principal investigators and privileged information from the files pertaining to the proposals. The meeting will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 8, 1979.

Reason for late notice: Administrative Oversight.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-21069 Filed 7-17-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION**Advisory Committee on Reactor Safeguards; Subcommittee on Waterford Steam Electric Station Unit No. 3; Meeting**

The ACRS Subcommittee on Waterford Steam Electric Station Unit No. 3 will hold a meeting on August 5, 1981, Room 1046, 1717 H Street, NW.,

Washington, DC. The Subcommittee will review the application of the Louisiana Power and Light Company for a license to operate the Waterford Steam Electric Station Unit No. 3. Notice of this meeting was published June 17.

In accordance with the procedures outlined in the Federal Register on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, August 5, 1981—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Louisiana Power and Light Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. David Bessette (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: July 14, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-21140 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co. (Pilgrim Nuclear Power Station, Unit 1); Order Confirming Licensee Commitments on Post-TMI Related Issues**I**

Boston Edison Company (the licensee) is the holder of Facility Operating License No. DPR-35, which authorizes the operation of the Pilgrim Nuclear Power Station, Unit 1, (the facility) at steady-state reactor power levels not in excess of 1998 megawatts thermal. The facility is a boiling water reactor located at the licensee's site near Plymouth, Massachusetts.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed

¹ Attachment: NUREG-0737, available in NRC Public Document Room.

requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, January 5 and 22, and February 11 and 27, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, It is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A

request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

(FR Doc. 81-21141 Filed 7-17-81; 8:45 am)

BILLING CODE 7590-01-M

[Docket Nos. 50-324 and 50-325]

Carolina Power and Light Co.

(Brunswick Steam Electric Plant Units Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Carolina Power and Light Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR-71 and DPR-62, which authorizes the operation of the Brunswick Steam Electric Plant, Units Nos. 1 and 2 (the facilities) at steady-state reactor power levels not in excess of 2436 megawatts thermal for each unit. The facilities are boiling water reactors located at the licensee's site in Brunswick County, North Carolina.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are

intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, March 3 and May 7, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment that had not been previously implemented as described in the licensee's December 15, 1980 submittal. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specific submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Office of
Nuclear Reactor Regulation.

[FR Doc. 81-21142 Filed 7-17-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-237 and 50-249]

Commonwealth Edison Co. (Dresden Station, Units 2 and 3); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Commonwealth Edison Company (the licensee) is the holder of Operating License Nos. DPR-19 and DPR-25, which authorize the operation of Dresden Station, Units 2 and 3, (the facilities) at steady-state power levels not in excess of 2527 megawatts thermal for each unit. The facilities are boiling water reactors (BWRs) located at the licensee's site in Grundy County, Illinois.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, December 31, 1980, January 23, 1981, January 30, 1981, February 24, 1981, February 27, 1981, March 17, 1981, April 1, 1981, April 10,

1981, April 13, 1981, May 1, 1981 and July 2, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21143 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co. (Quad Cities Nuclear Power Station, Units 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Commonwealth Edison Company, et al. (the licensee) is the holder of Facility Operating License Nos. DPR-29 and DPR-30 which authorize the operation of the Quad Cities Station, Units 1 and 2, (the facilities) at steady-state power levels not in excess of 2511 megawatts thermal for each unit. The facilities are boiling water reactors (BWRs) located at the licensee's site in Rock Island County, Illinois.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and

investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, December 31, 1980, January 23, 1981, January 30, 1981, February 24, 1981, February 27, 1981, March 17, 1981, April 1, 1981, April 10, 1981, April 13, 1981, May 1, 1981 and July 2, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR

Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21144 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

[Docket No. 50-245]

Connecticut Light & Power Co., et al. (Millstone Nuclear Power Station Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues**I**

The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company (the licensees) are the holders of Provisional Operating License No. DPR-21, which authorizes Northeast Nuclear Power Company to operate the Millstone Nuclear Power Station, Unit No. 1 (the facility) at steady-state power levels not in excess of 2011 megawatts thermal. The facility is a boiling water reactor (BWR) located in Waterford, Connecticut.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

III

Northeast Nuclear Energy Company's (NNECo) submittals dated December 15 and 31, 1980, and May 26, 1981, committed to complete each of the actions specified in the Attachment. NNECo's submittals included a modified schedule for submittal of certain information. The staff has reviewed NNECo's submittals and determined that NNECo's modified schedule is acceptable based on the following:

NNECo's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how NNECo is meeting the guidance of NUREG-0737. Therefore, this deferral of the NNECo submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that NNECo shall comply with the following conditions:

NNECo shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensees, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensees or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the NNECo should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Md., this seventh day of July 1981.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21145 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co. (Haddam Neck Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues**I**

Connecticut Yankee Atomic Power Company (the licensee) is the holder of Facility Operating License No. DPR-61, which authorizes the operation of the Haddam Neck Plant (the facility), at steady-state reactor power levels not in excess of 1825 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Middlesex County, Connecticut.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of

items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15 and 31, 1980, which are incorporated herein by reference, committed to implement each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that they are acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee's submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Md., this seventh day of July, 1981.

Darrell G. Eisenhower,
Director, Division of Licensing, Office
Nuclear Reactor Regulation.

[FR Doc. 81-21146 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co. (Palisades Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Consumers Power Company (the licensee) is the holder of Provisional Operating License No. DPR-20 which authorizes the operation of the Palisades Plant (the facility) at steady-state power levels not in excess of 2530 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Van Buren County, Michigan.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 19, 1980, and June 1, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this seventh day of July 1981.

For the Nuclear Regulatory Commission.
Darrell G. Eisenhut,
Director, Division of Licensing, Office of
Nuclear Reactor Regulation.
[FR Doc. 81-21147 Filed 7-17-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-409]

Dairyland Power Cooperative (LaCrosse Boiling Water Reactor); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Dairyland Power Cooperative (the licensee) is the holder of Provisional Operating License No. DPR-45, which authorizes the operation of the LaCrosse Boiling Water Reactor (the facility) at steady-state reactor power levels not in excess of 165 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Vernon County, Wisconsin.

II

Following the accident at three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

requirements and their associated implementation dates.

III

The licensee's submittal dated December 31, 1980, which is incorporated herein by reference, committed to implement each of the actions specified in the Attachment. The licensee's submittal included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that it is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this seventh day of July, 1981.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21146 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Co., et al. (Duane Arnold Energy Center); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

In the matter of Iowa Electric Light and Power Company, Central Iowa Power Cooperative, Corn Belt Power Cooperative.

Iowa Electric Light and Power Company, et al. (the licensee) is the holder of Facility Operating License No. DPR-49, which authorizes the operation of the Duane Arnold Energy Center (the facility) at steady-state reactor power levels not in excess of 1658 megawatts thermal. The facility is boiling water reactor located at the licensee's site near Palo in Linn County, Iowa.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are

intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15 and 31, 1980 and February 23, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describe how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of such such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21149 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

**Jersey Central Power & Light Co.
(Oyster Creek Nuclear Generating
Station); Order Confirming Licensee
Commitments on Post-TMI Related
Issues**

I

Jersey Central Power and Light Company (the licensee) is the holder of Provisional Operating License No. DPR-16, which authorizes the operation of the Oyster Creek Nuclear Generating Station (the facility) at steady-state reactor power levels not in excess of 1930 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Ocean County, New Jersey.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittal dated January 8, 1981, as supplemented February 10, 1981, which is incorporated

herein by reference, committed to implement each of the actions specified in the Attachment. The licensee's submittal included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that it is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 1611, 1610, and 162 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of

the information set forth in Section II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Md., this seventh day of July, 1981.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Office of
Nuclear Reactor Regulation.

[FR Doc. 81-21150 Filed 7-17-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-298]

**Nebraska Public Power District
(Cooper Nuclear Power Station); Order
Confirming Licensee Commitments on
Post-TMI Related Issues**

I

Nebraska Public Power district (the licensee) is the holder of Facility Operating License No. DPR-46, which authorizes the operation of the Cooper Nuclear Power Station (the facility) at steady-state reactor power levels not in excess of 2381 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Nemaha County, Nebraska.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information

¹ Attachment: NUREG-0737 Requirements, Available in NRC Public Document Room.

to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittal dated December 30, 1980, as supplemented February 27, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Md., this 10th day of July 1981.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhower,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21151 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station, Unit 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Niagara Mohawk Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-83, which authorizes the operation of the Nine Mile Point Nuclear Station, Unit 1 (the facility) at steady-state reactor power levels not in excess of 1850 megawatts

thermal. The facility is a boiling water reactor located at the licensee's site in Oswego County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittal dated December 31, 1980 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittal included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737.

¹ Attachment: NUREG-0737, available in NRC Public Document Room.

Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10 day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21152 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

(Docket No. 50-263)

Northern States Power Co. (Monticello Nuclear Generating Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Northern States Power Company (the licensee) is the holder of Facility Operating License No. DPR-22, which authorizes the operation of the Monticello Nuclear Generating Plant (the facility) at steady state reactor power levels not in excess of 1670 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Wright County, Minnesota.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated November 14 and December 30, 1980, and January 30 and March 27, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the

interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Section II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Office of
Nuclear Reactor Regulation.

[FR Doc. 81-21153 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; (James A. FitzPatrick Nuclear Power Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59, which authorizes the operation of James A. FitzPatrick Nuclear Power Plant (the facility) at steady-state power levels up to 2436 megawatts thermal. The facility consists of a boiling water reactor (BWR) located at the licensee's site in Oswego, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are

intended to provide substantial additional protection for the operation of nuclear facilities based on experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 18, 1980, January 8, March 13, April 10, June 5, and July 7, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable.

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July 1981.

For the Nuclear Regulatory Commission,

Robert A. Purple,
Deputy Director, Division of Licensing, Office
of Nuclear Reactor Regulation.

[FR Doc. 81-21154 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; (Ginna Nuclear Power Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Rochester Gas and Electric Corporation (the licensee) is the holder of Provisional Operating License No. DPR-18 which authorizes the operation of the Ginna Nuclear Power Plant (the facility) at steady-state power levels not in excess of 1520 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Wayne County, New York.

II

Following the accident at the Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from this office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated November 24, 1980, December 15 and 30, 1980, January 30, 1981, March 13, 1981, and July 6, 1981, committed to complete each of the actions specified in the

Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee's submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should

comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21156 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas and Electric Co.; (San Onofre Nuclear Generating Station, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Southern California Edison Company and San Diego Gas and Electric Company (the licensees) are the holders of Provisional Operating License No. DPR-13, which authorizes the operation of San Onofre Nuclear Generating Station, Unit No. 1 at steady-state reactor power levels not in excess of 1347 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in San Diego County, California.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 30, 1980, and January 5 and 13, 1981, committed to implement each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that they are acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee's submittal will not alter the implementation of plan modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981.

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 7th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21158 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50- 259, 260, and 296]

Tennessee Valley Authority (Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Tennessee Valley Authority (the licensee) is the holder of Facility Operating License Nos. DPR-33, DPR-52 and DPR-68 which authorize the operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2, and 3 (the facilities at steady-state power levels not in excess of 3253 megawatts thermal for each unit. The facilities consist of boiling water reactors (BWRs) located at the licensee's site in Limestone County, Alabama.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 23, 1980, March 17, April 9 and June 1, and July 2, 1981, the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plan

¹ Attachment: NUREG-0737, available in NRC Public Document Room.

modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21157 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Vermont Yankee Nuclear Power Corporation (the licensee) is the holder of Facility Operating License No. DPR-28, which authorizes the operation of the Vermont Yankee Nuclear Power Plant (the facility) at steady-state reactor power levels not in excess of 1593 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Windham County, Vermont.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15 and 30, 1980, January 13, March 10 and 31, April 3 and 17, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A

request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,
Director, Division of Licensing, Office of
Nuclear Reactor Regulation.

[FR Doc. 81-21156 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-305]

**Wisconsin Public Service Corp., et al.;
Order Confirming Licensee
Commitments on Post-TMI Related
Issues**

I

In the Matter of Wisconsin Public Service Corporation, Wisconsin Power and Light Company, Madison Gas and Electric Company (Kewaunee Nuclear Power Plant).

Wisconsin Public Service Corporation, et al. (the licensee) is the holder of Facility Operating License No. DPR-43, which authorizes the operation of Kewaunee Nuclear Power Plant (the facility) at steady-state power levels not in excess of 1650 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Kewaunee, Wisconsin.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and

Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated January 5, March 9 and March 11, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 1611, 1610, and 182 of the Atomic Energy Act of 1954, as amended, and the

¹ Attachment: NUREG-0737, available in NRC Public Document Room.

Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July 1981.

For the Nuclear Regulatory Commission,

Darrell G. Eisenhut,
Director, Division of Licensing, Office of
Nuclear Reactor Regulation.

[FR Doc. 81-21156 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co. (Yankee Nuclear Power Station—Yankee Rowe); Order Confirming Licensee Commitments on Post-TMI Related Issues**I**

Yankee Atomic Electric Company (the licensee) is the holder of Facility Operating License No. DPR-3, which authorizes the operation of the Yankee Rowe Nuclear Power Station (Yankee Rowe) (the facility) at steady-state power levels not in excess of 600 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located in Franklin County, Massachusetts.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).¹ NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from this office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated April 9, 1980, December 15, 1980, January 1, 1981, March 10, 1981, and July 6, 1981,

committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

1. The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

2. Part 1 of Item ILE.1.2, "Auxiliary Feedwater System Automatic Initiation," requested the licensee to submit final design information for a safety grade automatic initiation of the auxiliary feedwater system by January 1, 1981. The licensee has proposed that this requirement is not necessary for Yankee Rowe. The staff has this matter under review.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July 1981.

For the Nuclear Regulatory Commission,
Robert A. Purple,
Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21160 Filed 7-17-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET**Agency Forms Under Review****Background**

July 15, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are

¹ Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will

prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Food and Nutrition Service
Application for participation in food bank demonstration project
Nonrecurring
Businesses or other institutions
Voluntary organ, that sol. food don. for redist. to needy
SIC: 881 832

Small businesses or organizations
Food and nutrition assistance: 350 responses; 175 hours; \$4,816 Federal cost; 1 form; not applicable under 3504(h)

Charles A. Ellett, 202-395-7340

Notice (1) announces USDA's intention to conduct a demonstration project, mandated by the Agricultural Act of 1980 (P. L. 96-494), involving surplus food donations to food banks for emergency distribution to needy families and individuals. (2) sets forth procedures for the project, and (3) solicits for participation by food banks.

• Food Safety and Quality Service
Designated handler's report application for refund of assessment

Quarterly

Farms/businesses or other institutions
Affects potato handlers and potato growers in the U.S.

SIC: 013 134

Public assistance and other income supplements: 10,000 responses; 832 hours; \$10,000 Federal cost; 2 forms; not applicable under 3504 (h)

Charles A. Ellett, 202-395-7340

These forms are required to determine proper assessments of handlers and to remit proper refunds if producers choose not to support the program. Both forms have been in use since 1972, when program operations began.

• Forest Service
1981 five State private grazing fee survey

Nonrecurring

Farms

Livestock cattle producers

SIC: 021

Small businesses or organizations

Conservation and land management:

15,060 responses; 1,748 hours; \$280,000

Federal cost; 1 form; not applicable under 3504(h)

Charles A. Ellett, 202-395-7340

Concern has surfaced among certain national grassland permittees over their 1981 grazing value as compared with grazing fees on public domain and national forest land. The study will determine actual fees paid for similar private grazing lands and is critical to resolving the current issue.

Extensions (No Change)

• Food and Nutrition Service

Status of claims against households

FNS-209

Monthly

State or local governments

SIC: 943

Food and nutrition assistance: 648

responses; 1,296 hours; \$10,680 Federal

cost; 1 form; not applicable under 3504(h)

Charles A. Ellett, 202-395-7340

Food stamp regulations part 273.18 (F) (2) mandates that each State submit monthly a form FNS-209 to detail the State's activities relating to claims against households. This submittal of this report is required to provide FNS with the number of claims established against households and the amount of funds recovered during the reporting period. This data is used in the determination of program losses and for State sharing of recoveries for fraud claims.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Revisions

• Bureau of the Census
Mining machinery and mineral processing equipment (domestic and export shipments)

MA-35F

Annually

Businesses or other institutions

Manufacturers of mining machinery & mineral process. Equip.

SIC: 353 374

Small businesses or organizations

Other advancement and regulation of commerce: 235 responses; 157 hours;

\$3,315,000 Federal cost; 1 form; not applicable under 3504(h)

Off. of Federal Statistical Policy & Standard, 202-673-7974

This survey was begun in 1961 to provide quantity and value of shipments for mining machinery and mineral processing equipment. Government agencies use the data for trade analysis, measurement, and forecasting. Business firms and trade associations use the data for market share analysis and long-term planning.

Extensions (Burden Change)

- Bureau of the Census
1982 census of governments local government directory survey
G-25, 26, 27, 28, 29, 30, 31 & 32
Nonrecurring
State or local governments
Local government officials
Other advancement and regulation of commerce: 88,500 responses; 22,125 hours; \$302,000 Federal cost; 8 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

These forms will be used for interrelated surveys which comprise the local government directory phase of the 1982 Census of Governments. The information requested on these forms is similar to that requested in the governmental organization phase of the 1977 Census of Governments.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

New

- Departmental and Others
Arms, Ammunition and Explosives (AA&E) inspection/survey
Report
Dis 90
Annually
Businesses or other institutions
AA&E defense contractors
SIC: Multiple
Department of Defense-Military: 273 responses; 273 hours; \$3,335 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202-395-3785

Information is needed to determine prospective DOD AA&E contractors ability to safeguard AA&E in accordance with DOD policy. Additionally, information will be used to assess contractor compliance with DOD security policy. Information will be forwarded to the Government contracting office for action as appropriate.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202-343-6191

Reinstatements

- Bureau of Land Management

Simultaneous oil and gas lease application
3112-1
Other—See SF83
Individuals or households/farms/businesses or other institutions U.S. citizens, assoc. of citiz. & corps. under U.S. law
SIC: 131
Small businesses or organizations
Conservation and land management: 4,200,000 responses; 350,000 hours; 1 form; not applicable under 3504 (h)
Robert Shelton, 202-395-7340

BLM form 3112-1 is the application card through which winners are selected for available parcels of land in the simultaneous oil and gas leasing program (see 43 CFR, subpart 3112).

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202-634-5394

Extensions (Burden Change)

- Bureau of Alcohol, Tobacco and Firearms
Bond for Spirits or Denatured Spirits or Rum Brought Into the U.S. Free of Tax ATF F ACB-VI, -101 (5150.35)
On occasion
Businesses or other institutions
Importers of denatured spirits
SIC: 516
Small businesses or organizations
Federal law enforcement activities: 50 responses; 50 hours; \$60 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

The law provides for the importation of spirits from the Virgin Islands under certain conditions without payment of tax. This bond must be filed in order to ensure payment of all taxes should the principal become liable due to improper or illegal importation.

- Internal Revenue Service
Election by a Small Business Corporation
2553
Nonrecurring
Businesses or other institutions
Any corporation wanting to elect subchapter S status
SIC: 201, 202, 203, 204, 205, 206, 222, 236, 251, 345
Small businesses or organizations
Central fiscal operations: 2,054 responses; 2,054 hours; \$17,261 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

Filed by a qualifying corporation to elect subchapter S status. The information obtained is necessary to determine if the election should be

accepted. When the election is accepted, the qualifying corporation is classified as an electing small business corporation having subchapter S status.

Extensions (No Change)

- Bureau of Alcohol, Tobacco and Firearms
Bond for Articles Brought Into the U.S. Free of Tax ATF F ACB-VI, -102 (5150.36)
On occasion
Businesses or other institutions
Importers of articles containing alcoholic beverage
SIC: 518
Small businesses or organizations
Federal law enforcement activities: 3,579 responses; 3,579 hours; \$175 Federal cost; 1 form; not applicable under 3504(h)

Kevin Broderick, 202-395-6880

The law provides for the importation of articles containing alcohol from the Virgin Islands without payment of tax. This bond must be filed to ensure payment of taxes should liability be incurred due to improper or illegal importation.

- Bureau of Government Financial Operations
Report of Banking Facilities (cont.)
TFS 404
Quarterly
Businesses or other institutions
Commercial and stock savings bank
SIC: 602 603
Small businesses or organizations
Central fiscal operations: 152 responses; 304 hours; \$1,165 Federal cost; 1 form; not applicable under 3504(h)
Kevin Broderick, 202-395-6880

This form is used by authorized commercial banks operating banking facilities on military installations to report the income and expense generated by the banking operation for the purpose of receiving reimbursement from treasury for any net expenses.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202-287-0747

Extensions (Burden Change)

- State Drinking Water Supply Program
Information
On occasion, weekly, monthly, quarterly, annually
State or local governments/businesses or other institutions
Public water supplies and State water supply programs
SIC: Multiple
Small businesses or organizations

Pollution control and abatement: 21,158 responses; 147,161 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202-395-7340

The information under discussion is collected for use in the administration of public water systems by State governments and the U.S. EPA. Analyses of the information are designed to reflect the effectiveness of public water supply programs.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202-632-7513

New

- Equal Employment Opportunity (EEO) Guidelines and Model Program
Other—see SF83
Businesses or other institutions
AM, FM & TV commercial & noncom.
broad. station licensees
SIC: 483
Small businesses or organizations
Other advancement and regulation of commerce: 3,197 responses; 15,985 hours; \$125,061 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

This program provides comprehensive and clearly defined practices to assist the nonexempt broadcast applicant in developing an effective EEO program and may be used by the licensee for self evaluation. It also assures the Commission that equal employment opportunity is being provided by license.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—202-254-9515

Revisions

- Fair Plan Quarterly Report
FEMA
Quarterly
Businesses or other institutions
4
SIC: Multiple
Defense-related activities: 112 responses; 1,120 hours; \$5,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Part A of title XII of the National Housing Act (as enacted by title XI of the Housing and Urban Development Act of 1968) provides for the development and carrying out of statewide plans to assure fair access to insurance requirements in urban areas (usually known as fair plans).

Extensions (Burden Change)

- Flood Insurance Application, Flood Insurance General Change

Endorsement, Flood Insurance
Cancellation/Nullification
Request form
FEMA 81-16, 17, 18, 23, 25, 26, 27
On occasion
Individuals or households/farms/
businesses or other institutions
Resi. & bus. in flood-prone areas insur.
agents, etc.
SIC: All
Disaster relief and insurance: 892,000 responses; 223,000 hours; \$35,000 Federal cost; 7 forms; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Forms needed for the continued sale and servicing of policies under the national flood insurance program.

- Payment Activities Under the Disaster Relief Act of 1974
90-2
Monthly
State or local governments
State employment security agencies in disaster States
SIC: Multiple
Disaster relief and insurance: 600 responses; 600 hours; \$6,600 Federal cost; 1 form; not applicable under 3504(h)
Robert Veeder, 202-395-4814

To implement the DUA program, DOL needs payment statistics from each SESA (State Employment Security Agencies) which receives funding. These reports are analyzed by DOL staff and are used as the basis for reporting to FEMA, which funds the DUA program.

Extensions (No Change)

- Inspection and Estimate/Adjuster's Short Form Report/Work Sheet Contents/Personal Property/Statement Replacement Cost Coverage/Proof of Loss/Notice of Loss
FEMA
On occasion
Individuals or households/farms/
businesses or other institutions/
individuals or households
Resi. & bus. in flood-prone areas insur.
agents, etc.
SIC: All
Disaster relief and insurance: 200,000 responses; 50,000 hours; \$25,000 Federal cost; 7 forms; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Forms needed for the continued processing of claims for flood damages under the national flood insurance program.

- Training Course Application
FEMA 95-2
On occasion
State or local governments

Federal/State/local officials requesting training
SIC: Multiple

Defense-related activities: 5,000 responses; 500 hours; \$10,980 Federal cost; 1 form; not applicable under 3504(h)

Federal Education Data Acquisition Council, 202-426-5030

Form is needed to: (1) Enroll and confirm a student in a FEMA training course, (2) obligate funds for student travel and per diem, (3) provide for certification by local, State and regional officials, and (4) serve as a data base document from which various statistical reports are compiled.

• Standards Reinsurance Contract
FEMA 81-6, FEMA 81-7
Annually

Businesses or other institutions
Private insurance companies in 16 States, U.S.A.

SIC: multiple
Small businesses or organizations
Community development: 200 responses; 600 hours; 2 forms; Not applicable under 3504(h)
Robert Veeder, 202-395-4814

The standard reinsurance contract program reinsures against excess aggregate losses resulting from riots or civil disorders to eligible insurers for the contract year (Oct.-Sept.). The offer and the contract are authorized under the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended.

Reinstatements

- Final Inspection Report
FEMA 90-45
On occasion
State or local governments
Federal and State government inspectors
SIC: multiple
Disaster relief and insurance: 2,000 responses; 4,000 hours; \$273,000 Federal cost; 1 form; Not applicable under 3504(h)
Robert Veeder, 202-395-4814

Prepared by Federal or State Inspector to document completion of work authorized under section 308, 402, 402, 419, P.L. 93-288 as a basis for Federal reimbursement. Required by FEMA handbook DRR-2.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—202-523-5326

Revisions

- General Order 11—Financial Reports by Common Carriers by Water in the Domestic Offshore Trades

46 CFR 512

On occasion

Businesses or other institutions

Voccs by water in the U.S. domestic offshore trades

SIC: 442

Water transportation; 1 responses; 14 hours; \$100,000 Federal cost; 1 form; NPRM under 3504(h)

William T. Adams, 202-395-4814

Rules affecting vessel operating common carriers in the domestic offshore trades are proposed to be amended to require annual balance sheet, income statement and certain stockholder information and eliminate requirement for G.O. 5 reports.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202-452-3512

New

- On going Intermittent surveys of Households

FR 3016

On occasion

Individuals or households

Occasional samples of 700 households nationwide

General government; 4,200 responses; 467 hours; \$102,220 Federal cost; 1 form; Not applicable under 3504(h)

Kevin Broderick, 202-395-6880

This information is needed by Federal Reserve Board and Federal Open Market Committee to enhance interpretation of monetary aggregates and effects of monetary policy. The Board also requires this information to fulfill its statutory responsibilities to administer consumer credit regulations.

INTERNATIONAL DEVELOPMENT CORPORATION AGENCY

Agency Clearance Officer—Ms. Melita Yearwood—202-632-0084

New

- Application for Political Risk Insurance for Hydrocarbon Projects

OPIC-77

Nonrecurring

Businesses or other institutions

International petroleum companies

SIC: 131, 132, 138

Foreign economic and financial assistance; 15 responses; 240 hours; 1 form; Not applicable under 3504(h)

Phillip T. Balazs, 202-395-4814

Form is used to obtain from international petroleum companies the information necessary to draft political risk insurance contracts. The inapplicability hydrocarbon projects are based. Form is simply a modification of a related form.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4692

New

- Representative Payee Report G-99A

Other—See SF63

Individuals or households

Individuals, guardians

General retirement and disability insurance; 5,000 responses; 833 hours; \$125,000 Federal cost; 1 form; not applicable under 3504(H)

Barbara F. Young, 202-395-6880

Under the RRA, a representative payee may be selected to receive benefits for a beneficiary unable to handle his or her own funds. The report obtains information on the payee's use of the benefits to determine if the payee is acting in the best interests of the beneficiary.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

- Form N-1, Registration Statement Under the Securities and Investment Company Acts for Open End Management Investment Companies

1715

On occasion

Businesses or other institutions

Open-end management investment companies

Other advancement and regulation of commerce; 900 responses; 800,000 hours; \$344,571 Federal cost; 1 form; not applicable under 3504(H)

Robert Veeder, 202-395-4814

Form N-1 is the registration statement used by open-end management investment companies to register as investment companies under the Investment Company Act and to register their securities for sale to the public under the Securities Act. It contains the prospectus, the principal selling document for these companies' securities.

Extensions (Burden Change)

- Information Required of Institutional Investment Managers Pursuant to Section 13F of the SEC Act of 1934 Form 13F

Quarterly

Businesses or other institutions
Certain institutional investment managers

Other advancement and regulation of commerce; 3,200 responses; 99,000 hours; \$25,000 Federal cost; 1 form, not applicable under 3504(H)

Robert Veeder, 202-395-4814

Form 13F is made necessary by the statutory obligation of section 13(F) of the Securities Exchange Act of 1934 (15 U.S.C. 78M(F) and rule 13F-1 thereunder (17 CFR 24C.13F-1).

C. Louis Kincannon,

Assistant Administrator for Reports Management.

[FR Doc. 81-21164 Filed 7-17-81; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. R81-1]

Attached Mail Rates, 1981; United States Postal Service Filing of a Request for a Recommended Decision on Changes in Rates of Postage for Attached Mail

July 14, 1981.

Notice is hereby given that on July 6, 1981, the United States Postal Service ("Postal Service"), pursuant to section 3622 of the Postal Reorganization Act (39 U.S.C. 3622), filed a request with the Postal Rate Commission for changes in rates of postage for mail of one class attached to or enclosed with mail of another class ("attached mail"). This filing has been assigned Docket No. R81-1.

The Postal Service states that its request is filed in accordance with the Commission's rules of practice and contains such information and data which explain the nature, scope, significance and impact of the proposed rate changes. Further the Postal Service states that the proposed rate changes will allow first-class mail attached to or enclosed with second- or fourth-class mail and first-class mail attached to or enclosed with third-class merchandise to pay the rate as if it were part of the combined host piece rather than pay the rate as if it were mailed separately. The Postal Service proposes certain language changes in the Domestic Mail Classification Schedule to effectuate the proposed rate changes. It is estimated that the proposed rate changes will cause an overall reduction of Postal Service net revenues of \$12,064,780.

On February 5, 1981, the Postal Rate Commission instituted a classification proceeding to provide the basis for a

recommended decision on separate classifications for mail of one class attached to a piece of mail of another class.¹ Many issues pertinent to this rate case are also relevant to the classification proceedings (Docket No. MC81-2) initiated by the Commission on February 5, 1981. Hence the Commission will conduct simultaneous hearings in Docket Nos. MC81-2 and R81-1. Parties who are full intervenors or limited intervenors in Docket No. MC81-2 will be considered to have the same status in this proceeding and need not petition for intervention in the combined proceeding.

Hearings will be held on the proposal submitted by the Postal Service in Docket No. R81-1 as well as Docket No. MC81-2. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before July 28, 1981, and must be in accordance with section 3001.20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 3001.20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing. Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before July 28, 1981, file a written request for leave to be heard as a "limited participant," pursuant to § 3001.19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to § 3001.19b of the Commission's rules (39 CFR 3001.19b).

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 54(s), filed a motion for waiver of the requirements of section 54(f)(2), to permit the use of a non-fiscal test year. The Postal Service requests that it be permitted to use the same hybrid test year of March 21, 1981 to March 20, 1982 used in Docket Nos. R80-1 and MC81-2. The Commission has decided to grant this motion because this case is a minor rate case which does not require the development of more current cost, revenue and volume data than the Docket No. R80-1 test year, March 21, 1981 to March 20, 1982,

which is the test year in the companion proceedings, Docket No. MC81-2.²

The request of the Postal Service for a recommended decision in rate changes for attached mail is on file with the Commission and is available for public inspection during regular business hours.

David F. Harris,
Secretary.

[FR Doc. 81-21087 Filed 7-17-81; 8:45 am]

BILLING CODE 7715-01-M

[Order No. 386, Docket Nos. MC81-2 R81-1]

Attached Mail Proceeding, 1981, Attached Mail Rates, 1981; Order Combining Proceedings, Designating OOC, Establishing Tentative Procedural Schedule and Granting Postal Service's Motion for Waiver

Issued: July 14, 1981.

On July 6, 1981, the Postal Service filed a Request for a Recommended Decision on changes in Rates of Postage for Attached Mail. The Commission designated this proceeding as Docket NO. R81-1. Previously on February 5, 1981, the Commission initiated a classification proceeding (Docket No. MC81-2) to provide the basis for "separate classifications for mail of one class attached to a piece of mail of another class (hereinafter referred to as 'attached mail')." ¹ At present settlement negotiations are being conducted in Docket No. MC81-2. Direct testimony was filed on June 19, 1981 and hearings on the direct testimony were to begin on July 23, 1981.

As both of these proceedings involve attached mail, the Commission concludes that efficiency and economy of resources dictate that both the attached mail classification and rate proceedings be combined. A tentative hearing schedule for the combined proceeding is attached and supersedes the procedural schedule issued on May 12, 1981 by the presiding officer in Docket No. MC81-2. Similarly, the presiding officer's ruling of June 29, 1981, granting the Postal Service's motion for a settlement conference will also apply to the Postal Service's proposal for changes in rates. Persons having comments on the attached procedural schedule should file their comments on or before July 28, 1981.

Hearings, Appointment of Officer of the Commission and Presiding Officer.

¹ We do not believe this ruling is a controversial one; hence we are granting the Postal Service's motion at an early stage of the proceeding. Parties may file petitions for reconsideration through July 28, 1981.

² 46 FR 12377-379.

In furtherance of the Commission's desire for expeditious consideration and pursuant to section 30(b) of the Commission's rules of practice [39 CFR 3001.30(b)], the Commission will conduct hearings en banc.² In an order issued by the Chairman on February 26, 1981, A. Lee Fritschler was designated to serve as the Presiding Officer in Docket No. MC81-2.³ 39 U.S.C. 3604(a)(2). Unless otherwise changed by the Acting Chair, this designation will remain in effect. Conferences and hearings will be held on such dates as may be designated by the Presiding Officer and will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, suite 500, 2000 L Street, N.W., Washington, D.C. 20268, and shall be on the record and a transcript made except where the Presiding Officer determines otherwise.

As in Docket No. MC81-2, the Commission designates Mark Stephens as Officer of the Commission (OOC) in this combined docket. The Officer of the Commission is designated to represent the general public. [See 39 U.S.C. 3624(a)]. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor any such personnel will participate in or advise as to any Commission decision in the case. See 39 CFR 3001.8. The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of practice [39 CFR 3001.10(c)].

Grant of Postal Service Motion for Partial Waiver of Rule 54(f)(2). Accompanying the Postal Service's rate filing was a motion for a partial waiver of rule 54(f)(2) to permit the use of the March 21, 1981 to March 20, 1982 hybrid test year used in the recent general rate case, Docket No. R80-1.

In support of its motion the Postal Service states that use of the R80-1 test year will simplify these proceedings because it will obviate much of the need to develop new cost, revenue and volume data. The Postal Service cites rule 54(s) which makes provision for special waivers in minor rate cases such as this attached mail proceeding. Also the Postal Service notes that in

² A prehearing conference was held in Docket No. MC81-2 on June 25, 1981. Pending motions for reconsideration, all rulings and determinations made at that prehearing conference will continue in the combined proceeding.

³ See 39 CFR 3001.5(e) and 3000.23 for the scope of authority delegated to the Presiding Officer.

instituting Docket No. MC81-2, the Commission recommended that the parties file their cases-in-chief based upon the test year of Docket No. R80-1.⁴

It is our opinion that the use of the test year of Docket No. R80-1 will facilitate and simplify these proceedings as much of the data which would otherwise have to be developed are already available. In the context of this minor rate case, we do not believe the use of a test year which is not totally prospective will impair the Commission's ability to evaluate proposals pertinent to attached mail. Hence, we are granting the Postal Service's motion at this early stage of the proceeding.

We recognize that this ruling is being made before parties have an opportunity to file answers to the Postal Service's motion. Therefore, we will allow the filing of petitions for reconsideration of this ruling to be made on or before July 28, 1981.

The Commission orders:

(A) Pursuant to 39 U.S.C. 3624(a), Mark Stephens is designated as Officer of the Commission for these proceedings. Service of documents on the Commission does not constitute service on the OOC, who shall be served separately three copies of all documents.

(B) The Postal Service's motion for a partial waiver of rule 54(f)(2) is granted. Petitions for reconsideration may be filed on or before July 28, 1981.

By order of the Commission.

David F. Harris,
Secretary.

Attachment.—Hearing Schedule for Attached Mail

Docket Nos. MC81-2, R81-1

Month/date/ year	
Aug. 14, 1981	Completion of all discovery directed to the Postal Service witness.
Sept. 22, 1981	Beginning of hearings, i.e., cross-examination of the Postal Service's case-in-chief.
Oct. 5, 1981	Filing of the case-in-chief of each participant (including that of OOC). ¹
Oct. 30, 1981	Completion of all discovery directed to the intervenors.
Nov. 23, 1981	Beginning of evidentiary hearings as to the case-in-chief of other participants.
Dec. 14, 1981	Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)
Jan. 5, 1982	Beginning of evidentiary hearings on rebuttal evidence.
Jan. 8, 1982	Record closed.
Jan. 19, 1982	Initial briefs filed.
Jan. 29, 1982	Reply briefs filed.
Feb. 2, 1982	Oral argument (if scheduled).

¹ Parties may amend previously filed testimony through this date.

[FR Doc. 81-21088 Filed 7/17/81; 8:45 am]

BILLING CODE 7715-01-M

⁴ PRC Order No. 367, February 5, 1981, p. 5.

[Order No. 387 Docket MC81-4]

**Mail Classification Schedule, 1981
Express Mail Insurance Claims
Eligibility Requirements; Order
Granting Petitions for Intervention and
Allowing Participation, Fixing Date for
a Prehearing Conference, Establishing
Procedural Schedule and Granting
Postal Service's Motion for Waiver and
Motion for Settlement Conference**

Issued July 14, 1981.

Before Commissioners: Janet D. Steiger, Acting Chair; Simeon M. Bright, Vice-Chairman; James H. Duffy; Clyde S. DuPont; A. Lee Fritschler.

On June 15, 1981, the Commission issued a Notice¹ stating that the United States Postal Service had filed a Request for a recommended decision on proposed revisions in the eligibility requirements and processing procedures for Express Mail insurance claims. The Notice directed those desiring to participate in the proceeding to file, on or before June 30, 1981, petitions for leave to intervene,² or requests to be heard as a limited participant.³ In addition, persons wishing to express their views informally, but not desiring to become a limited participant, were permitted to file comments.⁴

I. Intervention

In response to this Notice, the Commission received one petition to intervene and one request for limited participation. These parties are listed in Attachment A.

The petitioners listed in Attachment A are either users of the mail or have otherwise demonstrated an interest in this proceeding. Accordingly, their requests for participation will be granted.

Concurrent with the issuance of this Order, the Secretary is transmitting a service list to be employed by all parties, whether full or limited participants, in making filings in the proceeding. The Postal Service, pursuant to section 65 of our rules of practice⁵ will be required to serve copies of its Request and its prepared direct evidence upon the parties in Attachment A and upon the Officer of the Commission. Where service upon more than one representative has been requested in the petition to intervene or leave to be heard as a limited participant, the service will be required

only on the first two named representatives in the petition.⁶

II. Hearings, Initial Prehearing Conference and Motion for Settlement Conference

In furtherance of the Commission's desire for expeditious consideration and pursuant to section 30(b) of the Commission's rules of practice [39 CFR 3001.30(b)], the Commission will conduct all prehearing conferences and hearings en banc. In Order No. 384 issued July 1, 1981, Commissioner James H. Duffy was designated to serve as the Presiding Officer in this proceeding.⁷ An initial prehearing conference will be held on July 22, 1981, and thereafter on such further dates as may be designated by the Presiding Officer and subject to the conditions outlined below. Conferences and hearings will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, Suite 500, 2000 L Street, N.W., Washington, D.C. 20268, and shall be on the record and a transcript made except where the Presiding Officer determines otherwise.

On July 8, 1981, the Postal Service filed a motion,⁸ pursuant to 39 CFR section 3001.29, requesting that it be permitted to arrange a conference between the parties to determine if the issues in this case can be resolved through settlement. We agree that such a conference could be very useful and, in the interests of expedition, we are granting the Postal Service's motion subject to reconsideration on the basis of any replies which may yet be filed. However, in accordance with past practice we are directing the OOC to coordinate this conference.

The Commission perceives as a major issue in this case, the question of which of the two alternative proposals submitted by the Postal Service is superior to the other. Parties should be prepared to address this issue as well as any others they find appropriate, including those outlined in rule 24 (39 CFR 3001.24).

As noted above, the OOC is directed to report on the results of this conference. In this regard, both the date for the initial prehearing conference as well as the tentative hearing schedule may be adjusted pending the results of the settlement conference. In particular, if the parties determine that the prehearing conference should be postponed or cancelled, a joint motion

¹ Published in the Federal Register on June 19, 1981 [46 FR 32110-11].

² 39 CFR 3001.20.

³ 39 CFR 3001.19a.

⁴ 39 CFR 3001.19b.

⁵ 39 CFR 3001.65.

⁶ See sections 12 (c) and (d) of the rules of practice [39 CFR 3001.12(c) and 3001.12(d)].

⁷ See 39 CFR 3001.5(e) and 3001.23 for the scope of authority delegated to the Presiding Officer.

⁸ Motion of the United States Postal Service for Settlement Conference, July 8, 1981.

to that effect should be filed with the Commission.

III. Procedures for Expedition

To the degree consistency with procedural fairness permits, it is our intention to expedite the proceedings in Docket No. MC81-4. Accordingly, we are issuing a proposed schedule of procedural stages which all participants should review and be prepared to comment upon at the settlement conference and the initial prehearing conference. This tentative schedule is presented in Attachment B.

IV. Postal Service Motion for Waiver

Concurrently with the filing of its Request, the Postal Service filed a motion for waiver of certain of the filing requirements of the Commission's rules of practice pursuant to 39 CFR §§ 3001.22 and 3001.64(h)(3). The Postal Service seeks waiver of rules 64(d), 64(b)(3), 64(c)(2), 64(e), and 64(h), except for rule 64(h)(2)(i) insofar as it requests the statement required by rule 54(q).⁹ In the Notice of the filing, we directed parties who wished to address this motion to file their answers by June 30, 1981, and in Order No. 384 we extended this time until July 10, 1981. No party has filed an objection to the Postal Service's motion and the OOC supports the motion.¹⁰

The Postal Service requests waiver of rule 64(h), to the extent described above, because the proposed changes do not significantly change the cost-revenue relationships.¹¹ The Postal Service also states that rule 64(d) should be waived, to the extent it requires compliance with rules 54(h), 54(f) and 54(j). It states that compliance with 54(h) and (f) is unnecessary because the Postal Service is not requesting any changes in rates or fees, and because the effects of the proposals on the costs attributed and assigned to Express Mail and on the total costs of the Postal Service are so minuscule as to be unmeasurable.¹² With respect to 54(j) the Service claims that the volume of Express Mail and the number of claims filed will not be affected by the proposed changes and states that, in any event, there is no known method to measure the volume and demand data.¹³

The Postal Service requests waiver of rule 64(b)(3) because the proposals

entail no changes in rates or fees and therefore will not affect the economic substitutability between Express Mail or any class or subclass of mail. It states that 64(c)(2) should be waived because the physical attributes of Express Mail have no bearing on Express Mail insurance claims eligibility requirements and procedures. Finally, the Postal Service states that 64(e) should be waived because the proposed changes do not entail any interclass changes.¹⁴

The Commission concludes that the requirements for waiver have been met. From the Postal Service's filing it appears that the cost-revenue relationships will not be significantly changed.¹⁵ It further appears that the proposals would have only a minimal impact on any cost segment or combination of cost segments. As to the volume estimates and demand analysis required by rule 54(j), we conclude that the waiver should be granted because volume estimates would be very difficult to produce and we believe a thorough consideration of the proposals can be made without those projections. With respect to rules 64(e) and 64(c)(2), it does not appear that the proposals entail any interclass changes or that the physical attributes of Express Mail have any bearing on the proposed changes. As to rule 64(b)(3), it does not appear that the proposals will affect the economic substitutability between Express Mail or any class or subclass of mail.

The waiver given the Postal Service at this stage of the proceedings is not absolute in its terms. The Commission reserves the right to request information covered by the waiver as this case develops or to honor a party's request, if adequately supported, for such information.

The Commission Orders:

(1) Each of the petitioners identified in Attachment A to this Order is hereby permitted to intervene or to become a limited participant in this proceeding, subject to the provisions of paragraph (2) below.

(2) The participation of the intervenors and limited participants permitted by paragraph (1), above, is subject to the rules and regulations of the Commission: *Provided, however*, that their participation shall be limited

to matters affecting rights and interests specifically set forth in their respective petitions to intervene and requests to become limited participants, and *Provided, further*, that the admission of such intervenors and limited participants shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(3) The Postal Service shall serve copies of its Request and its prepared direct evidence upon representatives of petitioners permitted to intervene and the representatives of the limited participants. For purposes of such service, where service upon more than one representative has been requested in the petition to intervene or in a request for leave to be heard as a limited participant, including those petitions filed jointly and severally by two or more persons, only the first two named representatives in the petition need be served.

(4) The Postal Service also shall serve copies of its Request and its prepared direct evidence on the OOC. Service of documents on the Commission does not constitute service on the OOC, who shall be served separately three copies of all documents.

(5) A prehearing conference in this proceeding is tentatively scheduled for July 22, 1981, commencing at 9:30 a.m. in the Postal Rate Commission hearing room, Suite 500, 2000 L Street, N.W., Washington, D.C. 20268. The conference will be held for the purposes specified in section 24 of the Commission's rules of practice (39 CFR 3001.24) and in this Order, and to afford all participants in the proceeding an opportunity to be heard with respect to the procedures to be followed in expeditiously determined the issues to be resolved in Docket No. MC81-4. The conference proceedings shall be recorded by an official reporter except where otherwise directed by the Presiding Officer.

(6) The Postal Service's motion of July 8, 1981, for settlement conference is granted to the extent described in the body of this Order. The OOC is directed to coordinate this conference.

(7) The procedural schedule, Attachment B, is tentatively established.

(8) The Postal Service's motion of June 8, 1981, for waiver of certain filing requirements in MC81-4 is granted. The Commission reserves the right to request information covered by the waiver if necessary as this case develops or to honor a party's request, if adequately supported, for such evidence.

⁹ Motion of United States Postal Service for Waiver of Certain Provisions of the Rules of Practice and Procedure, June 8, 1981 (hereinafter Postal Service Motion).

¹⁰ Response of the Officer of the Commission to Postal Service Motion for Waiver, June 30, 1981.

¹¹ Postal Service Motion, pp. 2-3.

¹² *Id.* at 3.

¹³ *Id.* at 3-4.

¹⁴ *Id.* at 4.

¹⁵ For example, the Postal Service states that the proposed changes would increase attributable costs for Express Mail by approximately $\frac{1}{1000}$ of one cent per piece. Postal Service Motion, p. 2. This figure stems from Postal Service witness Ganley's analysis of the second proposal which, he states, is equally applicable to the first proposal. USPS-T-1, p. 17 n.1. It appears that the effect on cost-revenue relationships would not be significant with respect to either proposal.

By the Commission.

David F. Harris,
Secretary.

Attachment A

Petition to Intervene: J. C. Penney Company, Inc.

Request to Become Limited Participant:
American Retail Federation

Attachment B.—Tentative Hearing Schedule for Proceedings—Express Mail Insurance Claims Eligibility Requirements, Docket No. MC81-4

Month/Date/Year

- 7/22/81—Prehearing Conference
- 8/31/81—Completion of all discovery directed to the Postal Service
- 9/25/81—Filing of the case-in-chief of each participant (including that of OOC)
- 10/5/81—Beginning of hearings, i.e., cross-examination of the Postal Service's case-in-chief
- 10/8/81—Completion of evidentiary hearings as to the Service's case-in-chief
- 11/23/81—Completion of all discovery directed to the intervenors
- 12/8/81—Beginning of evidentiary hearings as to the case-in-chief of other participants
- 1/4/82—Rebuttal evidence of the Postal Service and each participant. (No discovery permitted on this rebuttal evidence; only oral cross-examination)
- 1/11/82—Beginning of evidentiary hearings on rebuttal evidence
- 1/15/82—Close of evidentiary record
- 2/15/82—Initial briefs filed
- 3/2/82—Reply briefs filed
- 3/9/82—Oral argument (if scheduled)

[FR Doc. 81-21090 Filed 7-17-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No.: 2-69040, 22-11183]

The Horn & Hardart Co.; Application and Opportunity for Hearing

July 10, 1981.

Notice is Hereby Given That The Horn & Hardart Company (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeships of Chemical Bank (the "Bank") under an indenture dated as of October 15, 1980, heretofore qualified under the Act, and a new indenture dated as of February 26, 1981, which will not be qualified under the Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under any of the indentures.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall

acquire any conflicting interest (as defined in the section), it shall within ninety (90) days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. The Bank is Trustee under an Indenture dated as of October 15, 1980 with the Company, as amended (the "1980 Indenture") pursuant to which \$35,000,000 principal amount of 11 3/4% Convertible Subordinated Debentures due October 15, 2000 (the "Debentures") were issued and sold. The 1980 Indenture has been qualified under the Act.

2. The Company proposes to issue and sell in a transaction which will be exempt from registration under the Securities Act of 1933, up to \$1,851,280 principal amount of its 10% Convertible Subordinated Notes due 1986 (the "Notes"), to be issued under an indenture between the Company and the Bank, as trustee (the "1981 Indenture").

3. The 1981 Indenture will not be qualified under the Act.

4. The 1980 Indenture is, and the 1981 Indenture will be, wholly secured and the obligations of the Company in respect thereto will rank *pari passu*. The Company is not in default under the 1980 Indenture.

5. The differences in the provisions of the indentures are unlikely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under the indentures.

The Company waives notice of hearing, waives hearing and waives any and all rights to specific procedures under Section 8(b) of Rules of Practice of the Commission with respect to the application.

For a more detailed account of the matters of fact and law asserted, all

persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person may, not later than August 4, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-21083 Filed 7-17-81; 8:45 am]

BILLING CODE 8010-01-M

[812-4909; Ref. No. 11859]

Nationwide Life Insurance Co. and Nationwide Variable Account; Notice of Application for an Amended Order

June 25, 1981.

Notice is Hereby Given that Nationwide Life Insurance Company ("Nationwide Life"), a stock life insurance company organized under the laws of the State of Ohio, and its Nationwide Variable Account ("Variable Account"), registered under the Investment Company Act of 1940 ("Act") as a unit investment trust (hereinafter "Applicants"), filed an application on June 29, 1981 pursuant to Section 11 of the Act for an amended order approving certain offers of exchange, and pursuant to Section 6(c) of the Act, for an order amending certain exemptions previously granted from Sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), 27(d), and Rule 22c-1 of the Act, insofar as such exemptions are necessary to permit the transactions described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Under the combination fixed and variable annuity contracts ("Contracts"), proposed to be amended, the purchasers are not assessed a traditional front-end sales load at the time purchase payments are made. A purchaser may make a single purchase payment, an irregular series of periodic purchase payments, or a regular series of periodic purchase payments. The amount and frequency of purchase payments is discretionary with the purchaser, and no requirements are imposed except for minimum amounts of the initial purchase payments (\$1,500 for non-qualified contracts and \$300 on an annualized basis for the first contract year for qualified contracts). The purchaser may allocate all or a portion of each purchase payment among one or more of four sub-accounts of the Variable Account, each consisting of the shares of one of four mutual funds of Mutual Investing Foundation managed by Heritage Securities, Inc., or to the general account of Nationwide Life. The Contracts provide for the accumulation of such purchase payments with accrued earnings, until the annuity commencement date selected by the purchaser, at which time annuity payments begin as designated by the contract owner.

The contract owner may, at any time prior to the annuity commencement date, withdraw some or all of the accumulated contract value, subject to a contingent deferred sales charge, which is applied in the case of certain withdrawals by a contract owner from the contract value. The contingent deferred sales charge equal 5 percent of the lesser of (1) all purchase payments received during the 96 months immediately prior to the valuation period during which the surrender is requested; or (2) the amount surrendered. The cumulative sum of all such charges, per contract owner, does not exceed 5 percent of that owner's purchase payments received during the 96 months immediately prior to the valuation period during which the surrender is requested; and no such charge is made against any values which have been held under the Contracts for at least 96 months. The contingent deferred sales charge is retained by Nationwide Life to reimburse it for the expenses incurred in connection with the sale of the Contracts. These expenses include commissions, promotional costs, sales administration, and similar sales related expenses.

An exception to the contingent deferred sales charge currently permits certain surrenders without the

imposition of a charge after the beginning of the third Contract year. Under the exception, a contract owner may redeem up to 10 percent of purchase payments made within 96 months immediately prior to the valuation period during which the surrender is requested without imposition of the contingent deferred sales charge. Therefore, the contingent deferred sales charge currently applies only after an amount equal to 10 percent of such purchase payments has been redeemed free of such charges.

Applicants propose a modification in the imposition of the contingent deferred sales charge when the contract owner requests certain partial surrenders of Contract values under the following circumstances: For each purchase payment made under Contracts issued on or after January 30, 1981, the contract owner may, after the first year from the date of each purchase payment, withdraw without a contingent deferred sales charge, up to 5 percent of that purchase payment, less the amount of such purchase payment previously surrendered free of charge, for each year that the purchase payment has remained on deposit.

Other charges assessed by Nationwide Life under the Contracts, which are not changed by the modifications of the withdrawal provision, include an annual contract maintenance charge of \$30 per Contract and an asset charge equal, on an annual basis, to 1.3 percent of the daily net asset value of the assets of the Variable Account. The asset charge is composed of a mortality risk premium, equal to .8 percent, and an expense risk charge, equal to .5 percent. These charges are calculated solely to reimburse Nationwide Life for costs related to administration of the Contracts and the assumption of mortality and expense risks.

Applicants assert that none of the original rationale for the earlier granting of the exemptions referred to above is in any way changed by the proposed modification of the provision for certain withdrawals without contingent deferred sales charge. In this regard, reference is made to the original application of Applicants, sought to be amended by this application, which was noticed on January 9, 1981, in Release No. 40-11554, and granted on January 30, 1981, in Release No. 40-11594.

Section 2(a)(35)

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held

for investment by the issuer, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants assert that the contingent deferred sales charge is not made inconsistent with the intent of the definition of "sales load" contained in the Act, by virtue of the proposed modification of the withdrawal provision. The contingent deferred sales charge will still fit within the Section 2(a)(35) definition of sales load, but for the timing of the imposition of the charge. Nevertheless, Applicants have requested an exemption from the provisions of Section 2(a)(35), to the extent necessary, to implement the proposed revision of the Contracts.

Section 22(c) and Rule 22c-1

Rule 22c-1 promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security. Applicants submit that implementation of the proposed change in the free withdrawal provision will in no way make the contingent deferred sales charge violative of Section 22(c) or Rule 22c-1 promulgated thereunder. When a surrender is requested to effect a cash withdrawal, the price on redemption will be based on the current net asset value. The contingent deferred sales charge, when applicable, will merely be deducted as the time of redemption in arriving at the contract owner's proportionate share or account value. However, the Applicants have requested an amended exemption from the provisions of Section 22(c) and Rule 22c-1 thereunder, to the extent necessary, to implement the change in the withdrawal provision of the Contracts.

Sections 26(a)(2)(C) and 27(c)(2)

Section 26(a)(2)(C) provides that no payment to the depositor of, or a principal underwriter for, a registered unit investment trust shall be allowed the trustee or the custodian as an expense. Applicants assert that the contingent deferred sales charge is not the typical kind of "expense" contemplated by Section 26(a)(2) and submit that the requirements of this section were not intended to preclude the depositor of a unit investment trust from taking a sales load. Applicants also assert that the contingent deferred sales charge is intended specifically and

solely to reimburse Applicants for sales related expenses. The deferral of the imposition of this charge, and making it contingent upon an event which may never occur, and the proposed change in the provision of the Contracts for certain withdrawals without charge, do not change the basic nature of this charge as a sales charge to which Section 26(a)(2)(C) was not intended to apply.

Section 27(c)(2) of the Act makes it unlawful to sell any periodic payment plan certificate unless the proceeds of all payments on such certificates are deposited with a custodian having the qualifications described in Section 26(a)(1), and are held by such custodian under an agreement containing substantially the provisions required in Sections 26(a)(2) and (3) of the Act. Section 27(c)(2) excepts deductions for sales load from the requirement that the proceeds be deposited with a custodian. Applicants assert that the contingent deferred sales charge is a sales load to which this exception should apply, and that deferring the imposition of the charge, making it contingent upon an event which might never occur, and permitting certain withdrawals without the charge should in no way be construed as violative of Section 27(c)(2).

While Applicants assert that the sections should be construed as set forth above, they nevertheless have requested amendment of their original exemptive order from Sections 26(a)(2)(C) and 27(c)(2), to the extent necessary, to permit the proposed change in the Contract provision for certain withdrawals without charge.

Applicants consent to the amended exemptions requested from Sections 26(a)(2)(C) and 27(c)(2) being made subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payments of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services; and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to

regulate the payments of such other sums or charges.

Section 27(c)(1)

Section 27(c)(1) of the Act prohibits restrictions on the redemption of contracts of the nature of those which are the subject of this application. Applicants submit that the proposed change in the withdrawal provision of the Contracts does not make the assessment of a contingent deferred sales charge upon certain redemptions, which is fully disclosed in the prospectus, such a restriction on redemption.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants submit that the imposition of the contingent deferred sales charge does not violate Section 2(a)(32) or Section 27(d), and that this assertion is not altered by the proposed change in the withdrawal provision of the Contracts. Nevertheless, Applicants have requested amendment of their original exemptive order from Sections 2(a)(32) and 27(d), to the extent necessary, to permit the proposed change in the Contract provision for certain withdrawals without charge.

Applicants suggest that the amended exemptions requested are appropriate and in the public interest, are consistent with the protection of investors, and are consistent with the purposes fairly intended by the policy and provisions of the Act.

Section 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of

Section 11(a) shall be applicable to any type of offer of the exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an amended order pursuant to Section 11(a) and 11(c) to permit contract owners, upon written request, to transfer part or all of their contract value from the Variable Account to Nationwide Life's general account to the Variable Account within any twelve month period. Such transfers must be made prior to the earlier of the annuity commencement date or the death of the designated annuitant. However, no such transfers will be permitted prior to the first contract anniversary, or within six months of any prior transfer. The Contracts also permit transfers of Variable Account contract values among the sub-accounts of the Variable Account, pursuant to such terms and conditions as may be imposed by the mutual funds comprising the sub-accounts of the Variable Account. Both of such types of transfers described above are effected at "net asset value," with no assessment of any kind of transaction or sales charge against owners for effecting such transfers.

Applicants assert that the transfer rights, the offering of which has been approved by the Commission's previous order, are in no way affected by the proposed change in the withdrawal provision of the Contracts; nevertheless, Applicants are requesting amendment of their original order pursuant to Section 11, to the extent deemed necessary, to permit the offer of transfer rights described above.

Section 6(c)

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing

thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following August 3, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-21062 Filed 7-17-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0283]

Charles River Resources, Inc.; License Surrender

Notice is hereby given that Charles River Resources, Inc. (CRR), 133 Federal Street, Boston, Massachusetts 02110, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). CRR was licensed by the Small Business Administration on April 21, 1977.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on June 30, 1981, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 13, 1981.

Peter F. McNeish,
Acting Associate Administrator for Investment.

[FR Doc. 81-21107 Filed 7-17-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 764]

Claims Against Iran

This notice concerns the procedures applicable to the filing of claims of U.S. nationals against Iran before the Iran-U.S. Claims Tribunal. It supplements information provided in Public Notice 763 (46 FR 36277, July 14, 1981). For further information, contact David P. Stewart, Administrator of Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

The Iran-U.S. Claims Tribunal has issued preliminary instructions, contained in Administrative Directive No. 1, with respect to the procedures for the submission of claims pursuant to the Claims Settlement Agreement of January 19, 1981. The text of the Directive is set forth below.

Claimants with claims in the aggregate of *more than* \$250,000 should prepare to submit their claims, on or after October 20, 1981, directly to the Tribunal in accordance with the provisions of the Directive. It should be noted that the address for the filing of claims, as specified in paragraph 8 of the Directive, may be changed by a later directive announcing the establishment of the Tribunal's permanent offices.

Claimants with claims in the aggregate of *less than* \$250,000 will be represented before the Tribunal by the U.S. Government. In the event that claims in this category are not settled by lump-sum agreement, claimants will submit their claims to the Department of State, not to the Tribunal. The Department of State will prepare a standardized statement of claim form to be furnished to all claimants in the less than \$250,000 category who have registered their claims with the Department. U.S. nationals with claims of less than \$250,000 who have not yet registered their claims should do so *immediately*.

Iran-United State Claims Tribunal
Administrative Directive No. 1

July 4, 1981.

1. *Introduction.* This Administrative Directive has been issued by the Iran-United States Claims Tribunal (the "Tribunal") to set forth requirements for the submission of claims to the Tribunal of nationals of the United States against Iran and of nationals of Iran against the United States pursuant to Article II, paragraph 1 of the Declaration of the Government of the Democratic and Popular Republic of Algeria concerning the settlement of Claims by the Government of the United States of America and the

Government of the Islamic Republic of Iran of January 19, 1981 ("Claims Settlement Declaration").

2. *Earliest Day for Filing Claims.* Article 1 of the Claims Settlement Declaration provides that Iran and the United States will promote the settlement of claims by the parties directly concerned. The Tribunal has been informed by the Agents of Iran and the United States that the two Governments have agreed that the period for settlement established by Article I has been extended until October 19, 1981. Therefore, no claims with respect to which the Tribunal has jurisdiction pursuant to Article II, paragraph 1 of the Claims Settlement Declaration may be filed before October 20, 1981.

3. *Last Day of Filing Claims.* Pursuant to Article III, paragraph 4 of the Claims Settlement Declaration, January 19, 1982 is the last day for filing claims by nationals of the United States and of Iran pursuant to Article II, paragraph 1 of the Claims Settlement Declaration.

4. *UNCITRAL Arbitration Rules Apply.* Pursuant to Article III, paragraph 2 of the Claims Settlement Declaration the Tribunal shall conduct its business in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (the "UNCITRAL Arbitration Rules"), except to the extent modified by the parties or by the Tribunal to ensure that the Claims Settlement Declaration can be carried out.

5. *Notice of Arbitration Not Required.* No Notice of Arbitration pursuant to Article 3 of the UNCITRAL Arbitration Rules is to be given.

6. *Contents of Statement of Claim.* The party initiating recourse to arbitration before the Tribunal (the "Claimant") shall do so by filing a Statement of Claim within the period of time provided for in paragraph 2 and 3 above.

Because no Notice of Arbitration is to be given, certain information required to be included in such notice by Article 3 of the UNCITRAL Arbitration Rules is instead to be included in the Statement of Claim. Accordingly, notwithstanding the provisions of Article 18 of the UNCITRAL Arbitration Rules, each Statement of Claim is to contain the following particulars:

(a) A demand that the dispute be referred to arbitration by the Tribunal;

(b) The names and last known addresses of the parties;

(c) A reference to the debt, contract (including transactions which are the subject of letters of credit or bank guarantees) expropriations or other measures affecting property rights out of or in relation to which the dispute arises and as to which the Tribunal has jurisdiction pursuant to Article II, paragraph 1 of the Claims Settlement Declaration;

(d) The general nature of the claim and an indication of the amount involved, if any;

(e) A statement of the facts supporting the claim;

(f) The points at issue;
 (g) The relief or remedy sought;
 (h) If the Claimant has appointed an attorney-at-law or other person for purposes of representation or assistance in connection with the claim, the name and address of such person and an indication whether the appointment is for purposes of representation or assistance;

(i) The name and address of the person to whom communications should be sent on behalf of the Claimant (only one such person shall be entitled to be sent communications).

It is advisable that Claimants (a) annex to their Statements of Claim such documents as will serve clearly to establish the basis of the claim, and/or (b) add a reference and summary of relevant portions of such documents, and/or (c) include in the Statement of Claim quotations of relevant portions of such documents.

7. *Languages of Statement of Claim.* The Agents of Iran and the United States have agreed that Statements of Claim and any documents and references annexed thereto, or included therein, shall be submitted by Claimants in both English and Farsi.

8. *Filing Statement of Claim; Number of Copies.* Statements of Claim are to be filed with the Tribunal by delivering 12 copies to the Tribunal at the Peace Palace, The Hague, Netherlands. It is suggested that Statements of Claim be delivered by hand, by air courier service, or by registered mail with return receipt requested.

By virtue of Article VI, paragraph 2 of the Claims Settlement Declaration, the Tribunal will promptly deliver copies to the Agents of the two Governments. The Agent of the Government against which the claim is made (the "Respondent") has the responsibility of promptly delivering a copy of the Statement of Claim to the Respondent.

Claimants are not required to deliver their Statements of Claim to the Respondent's habitual residence, place of business or mailing address. The Statement of Claim is deemed to have been received by the Respondent when physically delivered to the Tribunal for forwarding to the Respondent in accordance with the above-described procedure.

9. *Size of Paper.* Statements of Claim are to be submitted either on paper 8-1/2 inches x 11 inches or on so-called A-4 size paper or on paper no larger than A-4.

10. *Further Procedural Rules.* The Tribunal is presently considering and expects to issue in a timely manner additional Administrative Directives and procedural rules.

Gunnar Lagergren.

For certified true copy:

J. Varekamp.

Dated: July 18, 1981.

David P. Stewart,

Administrator of Iranian Claims.

[FR Doc. 81-21308 Filed 7-19-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Regulatory Docket No. 80-AGL-139.49E-27013]

Outagamie County Airport, Appleton, Wis.; For an Exemption From Section 139.49 of the Federal Aviation Regulations

Grant of Extension of Exemption

By letter dated May 19, 1981, and subsequent telephone conversations with Mr. Arthur E. Borchardt, Airport Manager, on behalf of Outagamie County Airport, Appleton, Wisconsin (the Airport), petitioned for an extension of the exemption of the Airport from the provisions of Section 139.49 of the Federal Aviation Regulations (14 CFR 139.49) which sets forth the requirements pertaining to airport fire fighting and rescue equipment and service for airports classified as Index AA for the purpose of Section 139.49.

At the present time, the Airport has a Crash-Fire-Rescue (CFR) vehicle with 500 gallons of water for Aqueous Film Forming Foam (AFFF) production and 300 pounds of dry chemical extinguishing agent; however, this CFR vehicle is 1968 Howe vehicle in very poor condition. This vehicle is handline operated and unable to meet the response time (3 min.), Section 139.49(e)(1).

The Petitioner has a tentative allocation in accordance with the Airport Development Aid Program (ADAP) for the purchase of a CFR vehicle. The specifications of the proposed vehicle will include a remote operated turret, capable of dual agent discharge, 500 gallons of water and 300 pounds of dry chemical.

The delivery of the new fire vehicle had been delayed, by the manufacturer. There is an additional time element required for fire fighter training and construction of a building to house the fire truck.

Upon consideration of all available information regarding Petitioner's airport operation, including facts and circumstances mentioned above, Federal Aviation Administration believes a grant of extension of the exemption to the airport to be reasonable, and that to require compliance with §139.49 of the FAR prior to September 30, 1981, would be contrary to public interest.

Therefore, pursuant to the authority contained in Section 313(a), 601(c), and 612 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421(e) and 1432) and delegated to me by the Administrator (37 FR 12278, 14 CFR

139.19(c)), Outagamie County Airport, Appleton, Wisconsin, is hereby granted an extension of exemption from the provisions of Section 139.49 (b)(1) of the Federal Aviation Regulations (14 CFR 139.49(b)(1)).

However, this extension of exemption is granted upon the condition that Outagamie County Airport will maintain the current level of fire fighting and rescue protection that now exists at the airport.

This extension exemption will remain in effect until September 30, 1981, unless and until it is superseded, modified or rescinded.

Issued in Des Plaines, Illinois, on July 2, 1981.

Wayne J. Barlow,
Director, Great Lakes Region.

[FR Doc. 81-20908 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-19]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before August 10, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. , 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in

the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of section 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 10, 1981.

Edward P. Faberman,
Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
21778	Eastern Airlines, Inc.	14 CFR 121.317(b)	To permit petitioner to operate its B-727 and DC-9 airplanes after August 31, 1981, without there being affixed to each forward bulkhead and each passenger seatback a sign or placard that reads "Fasten Seat Belt While Seated."
21831	Atlantic International Airlines	14 CFR 121.291(a)(b) Appendix D	To permit petitioner to commence initial B-727-100 service in a 118 passenger seat configuration using 3 flight attendants without first conducting the required evacuation demonstration.
21829	Cochise Airlines	14 CFR 135.261(a)(1)	To permit petitioner to assign and for flight crewmembers of accept an assignment for duty during flight time when the total flight time of that flight exceeds eight hours during any 24 consecutive hours for a flight crew consisting of one pilot.
21711	Sun Air, Inc.	14 CFR 121.291(a)	To permit petitioner to introduce its DC-9-15F series aircraft into passenger-carrying service in a 85-seat configuration using two flight attendants without first conducting a full-seating capacity emergency evacuation demonstration.
21752	Hemisphere Aircraft Leasing Co.	14 CFR 91.31(e)(3)	To permit petitioner to increase their zero fuel and landing weight by 5 percent on DC-6 Aircraft as provided in SR 411 A and B, FAR 121, and FAR 129.
21776	Mr. Louis Edward McCollum	14 CFR 61.58(c)(1) and 91.4	To permit petitioner to act as pilot in command of a variety of aircraft for which he holds a type rating and that require more than one pilot flight crewmember without meeting the 24-month proficiency check requirements.
21803	Richard Burdyn	14 CFR 61.29(b)(1)(i)	To permit petitioner to apply for a commercial pilot certificate with airplane rating without meeting the required 10 hours of flight instruction and practice in airplanes having flaps, retractable landing gear, controllable pitch propeller.
21768	Mr. Charles E. Kelch	14 CFR 65.71(a)(3)	To permit petitioner to become eligible for an airframe and powerplant certificate without complying with the requirement to complete the written and practical tests within a two year period.
21749	Trans Air Link Corp.	14 CFR 91.31	To permit petitioner to operate their Douglas DC-6 aircraft at a 5 percent increase in zero fuel and landing weight as provided in SR 411 A and B FAR 121 and FAR 129.
19943	Airline Training Institute	14 CFR 61.63(d)(2) and (3) and 61.157(d)(1)	Extension of exemption No. 2936A which permits petitioner's trainees to complete the same practical test for issuance of a type rating to be added to a pilot certificate, regardless of its grade, in an airplane simulator as set forth in Appendix A of Part 61, as is done by the trainees of those operators who have an operating certificate issued under Part 121.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
21068	Aerospatiale	14 CFR 29.811(h) (1)	To permit certification of petitioner's Model SA-365N and SA-366G helicopters without complying with the passenger emergency exit external marking requirements. <i>Partial grant 6/29/81.</i>
21404	AAR Oklahoma, Inc.	14 CFR 135.261	To permit petitioner's pilots to accept an assignment for duty during flight time when an assignment would not provide at least 10 consecutive hours of rest during a 24-hour period preceding the planned completion of the assignment. <i>Denied 6/28/81.</i>
21367	AirKaman, Inc.	14 CFR 135.89(b) (3)	To permit petitioner to operate its Learjet Model 23, 24, and 25 aircraft above flight level (FL) 350 up to FL 410 without at least one pilot at the controls wearing an oxygen mask which is secured and sealed. <i>Granted 6/29/81.</i>
21771	Venezolana Internacional De Aviacion, S.A. and World Airways, Inc.	14 CFR Parts 21, 43, 91, and 121	To permit petitioners to operate a U.S. registered DC-10-30F aircraft using an FAA-approved Master Minimum Equipment List and to allow the aircraft to be maintained in accordance with a continuous airworthiness maintenance program for the aircraft. <i>Granted 6/30/81.</i>
11144	American Airlines	14 CFR 121.99	Extension of exemption No. 1332 which permits petitioner to operate over certain specified routes without maintaining two-way radio communications between each airplane and the dispatch office during a brief segment of the routes. <i>Granted 7/1/81.</i>
21149	Starbird, Inc., and Kodiak Western, Alaska Airlines, Inc.	14 CFR 91.39 and 121.157	To permit petitioner to operate Restricted Category C-119L aircraft for compensation or hire in cargo-carrying operations within the state of Alaska. <i>Denied 7/2/81.</i>
21525	Venezolana Int'l de Aviacion, S.A. (VIASA) and World Airways, Inc.	14 CFR Parts 21, 43, and 91 and 121	To permit petitioners to operate a B-747-273C airplane, N747WR, pursuant to a lease agreement between VIASA and World Airways using the FAA approved master minimum equipment list and to maintain the airplane in accordance with World Airways' FAA-approved continuous airworthiness maintenance and inspection program. <i>Granted 7/2/81.</i>
21588	Capitol Int'l Airways	14 CFR 121.163(e)	To permit petitioner to carry passengers in its DC-10 airplanes during proving tests. <i>Denied 7/2/81.</i>

Dispositions of Petitions for Exemption—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought, disposition
21836	Air Panama International, S.A.	14 CFR Parts 21 and 91	To permit petitioner to operate a leased U.S.-registered aircraft using the FAA-approved master minimum equipment list and to maintain the aircraft under an approved continuous airworthiness maintenance program. <i>Granted 7/2/81.</i>
20258	Attair Airlines, Inc.	14 CFR 121.371(a) and 121.378	To permit petitioner to use, on Attair's Netherlands-built Fokker F-28 aircraft, certain engines, propellers, and spare parts that have been repaired, overhauled, or inspected by persons outside of the United States who do not hold U.S. airman certificates. <i>Granted 6/30/81.</i>
17067	Sis-Q Flying Service, Inc.	14 CFR 91.27	Extension of exemption No. 2430 which permits ferry flights of petitioners owned or operated four-engine McDonnell Douglas DC-6 aircraft to be conducted with one engine inoperative when the aircraft is operated under contract with the U.S. Forest Service for forest fire control. <i>Granted 6/30/81.</i>
21293	Clay Lacy Aviation, Inc.	14 CFR 135.243(a)	To permit petitioner to obtain an airline transport pilot certificate prior to his 23rd birthday. The certificate is required in order to comply with the pilot-in-command requirements. <i>Denied 7/6/81.</i>
21707	Aeromech Airlines	14 CFR 61.31	To allow petitioner's pilots to operate Bandeirante EMB 110/P1 and P2 aircraft, that will be retrofitted in accordance with SFAR 41 after June 1981, without possessing the appropriate type rating for the retrofitted aircraft. The type rating would be obtained at the next 6-month check following retrofitting. <i>Granted 7/6/81.</i>
21450	Stephen L. Higgins	14 CFR 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday. <i>Denied 7/6/81.</i>

[FR Doc. 81-20907 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[ERA Waiver Petition Docket HS-81-7]

Algers, Winslow & Western Railroad Co.; Petition for Exemption From the Hours of Service Act.

In accordance with 49 CFR Section 211.41 and Section 211.9, notice is hereby given that the Algers, Winslow and Western Railroad (AWW) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the AWW be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The AWW seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that

it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-7, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Communications received before August 21, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49 (d)).

Issued in Washington, D.C. on July 9, 1981.

Joseph W. Walsh,
Chairman, Railroad Safety Board.

[FR Doc. 81-21093 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-81-6]

Oregon and Northwestern Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR Section 211.41 and Section 211.9, notice is hereby given that the Oregon and Northwestern Railroad (ONW) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the ONW be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The ONW seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen

employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-6, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before August 21, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211,

Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on July 9, 1981.

Joseph W. Walsh,
Chairman, Railroad Safety Board.

[FR Doc. 81-21092 Filed 7-17-81; 8:45 am]

BILLING CODE 4910-06-M

Office of the Secretary

[OST Notice No. 81-6]

Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government; Inventory of Commercial and Industrial Activities

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: DOT publishes its Inventory of Commercial and Industrial Activities in accordance with Office of

Management and Budget Circular A-76.

FOR FURTHER INFORMATION CONTACT:

Philip Rockmaker, Office of Installations and Logistics, (202) 426-4243.

SUPPLEMENTARY INFORMATION: Office of Management and Budget (OMB) Circular A-76, revised, Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government (March 29, 1979), sets forth the general policy of the Government to rely on competitive private enterprise to supply the products and services which the Government needs. In pursuance of this policy, it requires Executive agencies to compile and publish for the information of the public a complete inventory of all their commercial and industrial activities subject to the Circular, DOT's inventory follows.

Issued in Washington, DC on July 9, 1981.

Robert L. Fairman,

Assistant Secretary for Administration.

Department of Transportation—Inventory of In-House Commercial or Industrial Activities

(OMB Circular A-76) May 1981

Activity description	Activity location	Capital investment (\$000)	Annual operating cost (\$000)	Number of employees	Last review	Next scheduled review (see code A-B)	Basis for continuation of activity (see code C-H)
Office of the Secretary							
Reproduction, Copying and Duplication	Office of the Assistant Secretary for Administration, Washington, DC.	0	1,779	12	None	6/83 A	
Warehouse Facilities	do	39	450	15		12/82 A	
Motor Pool/Bus Service	do	0	120	4		6/82 A	
Mail/Messenger	do	35	1,000	60		7/82 A	
Library Operations	do	238	2,200	36		6/83 A	
Transportation Computer Center—Computer Operations and Tape Libraries (Interim Update).	do	0	(*)	22		Ongoing B	
U.S. COAST GUARD							
AIR STATION, CAPE COD, MA							
General Messing		138	100K-500K	12M			E
Base Maintenance		394	Over 500K	27M		9/81 (A)	
Roads & Grounds Maintenance—Housing		137	100K-500K	2C, 3M			
BASE, SOUTH PORTLAND, ME							
Maintenance of Cutters, Boats & Associated Equipment		83	100K-500K	5M		9/81 (A)	
Electronics Shop		52	100K-500K	9M		9/81 (A)	
Engineering Support Activity		283	Over 500K	7M, 8C			
BASE, WOODS HOLE, MA							
Engineering Support Activity: Electronics Shop		110	Over 500K	15M		9/81 (A)	
Boat Repair Facility		741	100K-500K	8C			
Industrial Repair, Maintenance & Electronics Support	Base, Southwest Harbor, MA	97	100K-500K	7M, 7C			
Repair, Refurbishment, Preparation, and Transportation of Buoys	Buoy Depot Facility, South Weymouth, MA	824	100K-500K	12C			
Maintenance of Buildings and Grounds of Family Housing & LORAN "C" Tower Antenna Field	LORAN Station, Nantucket, MA	43	100K-500K	6M			
SUPPORT CENTER, BOSTON, MA							
Maintenance of Buildings, Grounds		26	100K-500K	19C			
Security		50	100K-500K	16M		9/81 (A)	
Engineering Support Activity		602	Over 500K	53C			
Maintenance, Servicing and Repair of Buildings		167	100K-500K	16C, 3M			
General Messing		162	100K-500K	10M			E
Electronic Maintenance & Repair	Station, Portsmouth Harbor, VA	33	100K-500K	6M		9/81 (A)	
Electronic Maintenance & Repair	Station, Castle Hill, RI	4	100K-500K	6M		9/81 (A)	
Mess Hall	Base, St. Louis, MO	38	100K-500K	7M			E
ADP Services	Headquarters, St. Louis, MO	0	100K-500K	6C			
Electronic Maintenance & Repair	Group, Atlantic City, NJ	38	100K-500K	6M		9/81 (A)	
GROUP, SANDY HOOK, NJ							
Electronic Maintenance & Repair		15	100K-500K	6M		9/81 (A)	

Department of Transportation—Inventory of In-House Commercial or Industrial Activities—Continued

(OMB Circular A-76) May 1981

Activity description	Activity location	Capital investment (\$000)	Annual operating cost (\$000)	Number of employees	Last review	Next scheduled review (see code A-B)	Basis for continuation of activity (see code C-H)
Boat Maintenance Facility		6	100K-500K	20M		9/81 (A)	
Electronic Maintenance & Repair	Group, Cape May, NJ	22	100K-500K	6M		9/81 (A)	
Electronic Maintenance & Repair	Group, New York, NY	76	100K-500K	6M		9/81 (A)	
SUPPORT CENTER, GOVERNORS ISLAND, NY							
Print Shop		21	100K-500K	8C			
Ferryboat Maintenance		43	500K+	13M, 38C			
Trash Collection		18	500K+	10C			
Bus Service		12	100K-500K	5M, 2C		9/81 (A)	
Support Center Supply, Industrial Supply		817	100K-500K	12C			
Servmart		122	100K-500K	3M, 2C			
Mail Room		38	100K-500K	6M		9/81 (A)	
Telephone Communications		324	100K-500K	5M		9/81 (A)	
Food Service		110	500K+	21M			
Industrial Functions:							
Machine Shop		609	100K-500K	8C			
Motor Repair			100K-500K	8C			
Teletype Repair			100K-500K	8C			
Wood and Plastic Shop			100K-500K	8C			
Electric Shop			100K-500K	7C			
Paint Shop		140	100K-500K	11C			
Golf Course		1,463	100K-500K	4M, 3C			
Public Works		506	500K+	30M, 150C			
Electronics Maintenance & Repair		30	100K-500K	6M		9/81 (A)	
Data Processing	Governors Island, NY	46	100K-500K	12C			
Electronic Maintenance & Repair	Group Rockway, NY	55	100K-500K	6M		9/81 (A)	
Electronic Maintenance & Repair	Group Long Island, NY	262	100K-500K	6M		9/81 (A)	
Electronic Maintenance & Repair	Electronic Shop/Major Telephone, Manasquan, NJ	59	100K-500K	6M		9/81 (A)	
SUPPORT CENTER, ELIZABETH CITY, NC							
Plumbing Services		7.4	100K-500K	4M, 3C			
Electrical Services		5.3	100K-500K	1M, 4C			
Heating, Ventilating and Air Conditioning & Refrigeration		2.7	100K-500K	1M, 4C			
Boiler Operation & Maintenance		90	100K-500K	6M, 1C		9/81 (A)	
Motor Vehicle Maintenance & Repair		94	100K-500K	8M, 2C		9/81 (A)	
Building & Structure Maintenance and Repair		24.4	100K-500K	6M, 14C			
Ground Care		7	Under 100K	2M, 4C			
Security Services		18.7	100K-500K	10M		9/81 (A)	
Food Services—Meal Preparation		29.3	100K-500K	10M, 10C			E
Food Serving & Cleanup		0	100K-500K	13M			E
Custodial Services—Barracks		48.9	Under 100K	6M		9/81 (A)	
Maintain & Man Recreation Areas		9	Under 100K	14M, 1C		9/81 (A)	
SUPPORT CENTER, PORTSMOUTH, VA							
Motor Pool		80	100K-500K	6M		9/81 (A)	
Pipe & Plumbing Shop		65	100K-500K	2M, 2C			
Utilities System		1,836	500K+	10C			
Grounds Maintenance		109	100K-500K	3M, 4C			E
Structures Maintenance		59	100K-500K	6M, 4C			E
General Messing		253	100K-500K	10M			
Meal Serving & Cleanup			100K-500K	6M			
Maintenance Overhaul & Repair of Ships, Boats & Components		1,422	500K+	4M, 21C			
Structures, Lighthouses & Offshore Towers		394	100K-500K	7M			
Electronics Maintenance & Repair		394	100K-500K	14M		9/81 (A)	
ATON Maintenance Overhaul & Repair		507	100K-500K	3M, 24C			
Electronic Maintenance & Repair	Base, Ft Macon, FL	11.5	100K-500K	6M		9/81 (A)	
Electronic Maintenance & Repair	Group, Chincoteague, VA	8.5	100K-500K	6M		9/81 (A)	
Electronic Maintenance & Repair	Group, Hampton Roads, VA	31.3	100K-500K	6M		9/81 (A)	
Electronic Maintenance & Repair, Overhaul and Repair	Communications Station, Portsmouth, VA	54.5	100K-500K	6M			
AIR STATION, CLEARWATER, FL							
Maintenance & Repair of Buildings, Grounds		38	100K-500K	25M, 1C		9/81 (A)	
General Messing		194	Under 100K	5C			E
Electronic Repair		90	500K+	30M		9/81 (A)	
AIR STATION, MIAMI, FL							
Maintenance & Repair of Electrical Equipment		4	500K+	40M		9/81 (A)	
Building Maintenance & Repair		37	100K-500K	10M		9/81 (A)	
Custodial Service		3	100K-500K	5M, 2C		9/81 (A)	
General Mess		112	100K-500K	3M, 5C			
AIR STATION, BORINQUEN, PR							
Maintenance & Repair of Buildings, Grounds		17	500K+	39M		9/81 (A)	
Janitorial Services		2	Under 100K	7M		9/81 (A)	
Electrical Equipment Repair Shop	Air Station, Savannah, GA	18	100K-500K	10M		9/81 (A)	
BASE, MIAMI BEACH, FL							
Base Security		12	100K-500K	7M		9/81 (A)	
Maintenance, Overhaul & Repair of Ships, Boats & Components		73	500K	18C			

Department of Transportation—Inventory of In-House Commercial or Industrial Activities—Continued

(OMB Circular A-76) May 1981

Activity description	Activity location	Capital investment (\$000)	Annual operating cost (\$000)	Number of employees	Last review	Next scheduled review (see code A-B)	Basis for continuation of activity (see code C-H)
Maintenance, Overhaul & Repair of Electrical Equipment & Components		63	100K-500K	6C			
Shops & Services—Machine, Carpentry, Electrical & Welding		1,100	100K-500K	14C			
General Messing	Station Group Office, St. Petersburg, FL	22	100K-500K	6M			E
Security Services	Radio Station, Miami, FL		100K-500K	5M		9/81 (A)	
INDUSTRIAL BASE, GALVESTON, TX							
Grounds & Building Maintenance		6	Under 100K	5M		9/81 (A)	
Base Industrial Functions		80	500K +	55M, 10C		9/81 (A)	
Base Industrial Functions	Industrial Base, New Orleans, LA	30	500K +	110M, 21C		9/81 (A)	
Base Industrial Functions	Industrial Base, Mobile, AL	940	500K +	48M, 15C		9/81 (A)	
BASE, DETROIT, MI							
Maintenance and Repair of Buildings & Structures		10	100K-500K	9M		9/81 (A)	
Electronic Equipment Overhaul Facility		10	100K-500K	7M		9/81 (A)	
Boat Maintenance, Repair & Alteration Facility & Engine Overhaul Facility		18	100K-500K	9M		9/81 (A)	
BASE, MAYPORT, FL							
Engineering Shop		12	100K-500K	14M		9/81 (A)	
Buoy Preparation		53	100K-500K	10C			
BASE, SAN JUAN, PR							
General Mess		58	100K-500K	6M			E
Overhaul & Repair—Aids to Navigation		180	100K-500K	8C			
Maintenance & Repair of Shore Facilities & Equipment		75	100K-500K	4M, 8C			
Maintenance & Repair of Electronic Equipment		40	100K-500K	8M		9/81 (A)	
BASE, BUFFALO, NY							
Maintenance Repair of Building Structural Mechanical, Electrical & Electronic Systems		15	100K-500K	10M		9/81 (A)	
Depot Level Maintenance Component Rework, Repair, & Modification of Systems		20	100K-500K	5M		9/81 (A)	
General Mess	Group, Monterey, CA	22	Under 100K	5M			E
Building Maintenance	Group, Humboldt Bay, McKinleyville, CA	12	100K-500K	5M		9/81 (A)	
Data Processing Services	Twelfth District, San Francisco, CA	35	100K-500K	6C			
AIR STATION, SAN FRANCISCO, CA							
General Mess		64	100K-500K	8M			E
Building Maintenance		46	100K-500K	9M		9/81 (A)	
Housekeeping—Cleanup		6	100K-500K	10M		9/81 (A)	
BASE, SAN FRANCISCO, CA							
Mess Facilities—Serving & Cleanup			Under 100K	6M			E
Internal Combustion Engine Shop		25	100K-500K	6C			
Janitorial Service—Barracks		9	Under 100K	6M		9/81 (A)	
Maintenance, Servicing & Repair of Facilities		68	100K-500K	30M		9/81 (A)	
Electronic Shop (telephone)		124	100K-500K	12M, 12C			
Buoy Depot		394	100K-500K	9C			
General Mess		113	100K-500K	10M			E
Building, Ground & Structure Maintenance	Group Air Station, Port Angeles, WA	80	100K-500K	6M, 1C		9/81 (A)	
Building & Grounds Maintenance	Marine Safety Office, Portland, OR	10	100K-500K	5M, 5C			
ELECTRONIC SHOP/MAJOR TELEPHONE EMPIRE, COOS BAY, OR							
Electronic Maintenance & Repair		58	100K-500K	6M		9/81 (A)	
Data Processing		All 3	500K +	7C			
Graphic Services		Activities	100K-500K	1M, 6C			
SUPPORT CENTER, SEATTLE, WA							
Security Guards for Facility		6,665	100K-500K	9C			
General Messing—Food Preparation		All 6	100K-500K	9M			E
Warehousing		Activities	100K-500K	7M		9/81 (A)	
Food Serving & Cleanup			100K-500K	9M			E
Maintenance, and Repair of Buildings, Structures and Grounds			500K +	23M, 7C		9/81 (A)	
Electronics Maintenance & Repair			100K-500K	6M		9/81 (A)	
BASE, HONOLULU, HI							
General Messing		100	100K-500K	7M			E
Machine & Welding Shop		300	100K-500K	9M		9/81 (A)	
Electrical Shop		All 3	100K-500K	8M		9/81 (A)	
Electronic/Telephone Shop		Activities	100K-500K	6M		9/81 (A)	
Security Guards		3	100K-500K	8M		9/81 (A)	
Building Maintenance		30	100K-500K	11M		9/81 (A)	
AIR STATION, BARBARA PT., HI							
Food Preparation		30	500K +	6M			
Building & Grounds Maintenance		40	100K-500K	7M		9/81 (A)	
Janitorial Service		3	100K-500K	10M		9/81 (A)	
General Mess		100	100K-500K	6M			E
Maintenance & Repair of Buildings & Structures		30	500K +	3C			

Department of Transportation—Inventory of In-House Commercial or Industrial Activities—Continued

(OMB Circular A-76) May 1981

Activity description	Activity location	Capital investment (\$000)	Annual operating cost (\$000)	Number of employees	Last review	Next scheduled review (see code A-B)	Basis for continuation of activity (see code C-H)
Maintenance & Repair of Buildings & Structures (minor)		5	100K-500K	11M		9/81 (A)	
Janitorial Services		3	100K-500K	13M		9/81 (A)	
	BASE, KETCHIKAN, AK						
General Mess		37	100K-500K	7M			E
Metal Trades Shop		25	100K-500K	1M, 8C			
Building Maintenance		6	100K-500K	7M		9/81 (A)	
Carpenter Shop		25	100K-500K	4C, 7M			
Electronics Shop & Major Telephone (ESMT)		25	100K-500K	8M		9/81 (A)	
Janitorial Services		6	100K-500K	7M		9/81 (A)	
Electronic Shop & Major Telephone (EMT)		100	500K +	17M, 13C			
	SUPPORT CENTER, KODIAK, AK						
Operation of Support Center							
Mail Handling		0	100K-500K	6M		9/81 (A)	
Security		0	500K +	30M		9/81 (A)	
Housing		3	500K +	2M, 9C		9/81 (A)	
Bowling Alley		340	100K-500K	3M, 2C			
Warehousing & Troop Issue		1,000	100K-500K	4M, 2C			
General Mess Food Preparation		1,000	100K-500K	6M			E
Mess Cook			100K-500K	6M			
Fuel Farm		2,955	100K-500K	5M, 4C			
Power Plant		5,633	500K +	29C			
Motor Pool		150	100K-500K	5M		9/81 (A)	
Garage & Vehicle Repair		150	100K-500K	8C		9/81 (A)	
	AVIATION TRAINING CENTER, MOBILE, AL						
Maintenance & Repair of Building Structures, Utilities, Vehicles and Equipment		50	500K	12C, 13M			
Landscaping & Grounds Maintenance		20	500K	2C, 5M		9/81 (A)	
Mess—Serving & Cleanup		0	Under 100K	6M			E
	COAST GUARD ACADEMY, NEW LONDON, CT						
Mess Operations		1,132	500K +	58M		9/81 (A)	
Landscaping, Drainage & Grounds Maintenance		204	100K-500K	10C			
Industrial Shops & Services—Machine, Carpentry, Electric & Other		207	500K +	13M, 2C		9/81 (A)	
Industrial Shops & Services—Plumbing, Heating, Electrical, AC Service Repair		29	500K +	18M, 4C		9/81 (A)	
Operation of Utility Systems		1,775	100K-500K	10M		9/81 (A)	
	TRAINING CENTER, PETALUMA, CA						
General Mess		100	100K-500K	15M			E
Maintenance & Repair of Buildings & Structures		7	100K-500K	8C			
Maintenance & Repair of Plumbing, Heating, Electrical, Refrigeration & Air Conditioning		2	100K-500K	5C			
Security Services		62	100K-500K	17M			
Operation of Bachelor Enlisted Quarters		0	100K-500K	5M			
	TRAINING CENTER, CAPE MAY, NJ						
General Mess		2,233	100K-500K	42M			E
Messing Facilities		0	100K-500K	27M			E
Building/Grounds Maintenance		195	100K-500K	9M, 1C		9/81 (A)	
	STATION, ALEXANDRIA, VA						
Building Maintenance		30	100K-500K	7M		9/81 (A)	
Grounds Maintenance		50	100K-500K	11M		9/81 (A)	
Maintenance & Repair Electrical systems		120	100K-500K	5M		9/81 (A)	
	RESERVE TRAINING CENTER, YORKTOWN, VA						
General Mess		989	100K-500K	21M, 2C			E
Officer's Mess		76	100K-500K	7M			E
Security		41	100K-500K	9M		9/81 (A)	
Carpenter Shop		61	100K-500K	11M, 1C		9/81 (A)	
Machine Shop		12	100K-500K	5M, 2C		9/81 (A)	
Electric Shop		9	100K-500K	7M, 1C		9/81 (A)	
Refrigeration & Air Conditioning		7	100K-500K	5M, 2C		9/81 (A)	
Operation of Boiler Plant		337	100K-500K	8C			
Janitorial Service		0	Under 100K	5C			
Roads & Grounds Maintenance		38	100K-500K	10C			
	TRAINING CENTER, ALAMEDA, CA						
General Mess		1,000	500K +	21M		9/81 (A)	
Security Guards		20	100K-500K	6C			
Mess Serving & Cleanup		0	100K-500K	28M			E
Landscape Maintenance		0	100K-500K	3C			
Janitorial Service		0	100K-500K	8M, 1C		9/81 (A)	
Physical Education/Special Security		268	Under 100K	8M, 1C		9/81 (A)	
Clothing Locker		200	Under 100K	6M, 1C		9/81 (A)	
Machine/Carpenter Shop	Research & Development Center, Groton, CT	10	100K-500K	4M, 1C		9/81 (A)	

Department of Transportation—Inventory of In-House Commercial or Industrial Activities—Continued

(OMB Circular A-76) May 1981

Activity description	Activity location	Capital investment (\$000)	Annual operating cost (\$000)	Number of employees	Last review	Next scheduled review (see code A-B)	Basis for continuation of activity (see code C-H)
Printing	Coast Guard Institute, Oklahoma City, OK			8C			
	COAST GUARD YARD, BALTIMORE, MD						
Operation of Power house		320	500K +	10C		6/81 (A)	
Ship Construction & Repair/Structural Work—Loftwork Welding, Shipfitting & Sheet Metal		3,847	500K +	266C		6/81 (A)	
Ship Construction & Repair/Electric, Electronics & Ordnance Work		855	500K +	150C		6/81 (A)	
Ship Construction & Repair/Joiner Work, Tiling, Painting, Insulation, Decking, Plastic Boat Building, Rigging Material Handling & Tool Distribution		3,594	500K +	190C		6/81 (A)	
General Messing		518	100K-500K	8M		6/81 (A)	E
Support for the Renovation Activities/Laborers, Fire Watch, Cleanup Crew, etc.		216	100K-500K	18C		6/81 (A)	
Services & Repair of Buildings & Utilities		30	500K +	16C		6/81 (A)	
Grounds Maintenance		7	100K-500K	14M		9/81 (A)	
Mess Serving & Cleanup		0	100K-500K	13M			E
Security Services		20	100K-500K	13M		9/81 (A)	
Graphic Services Industrial Photography, Printing, Silk Screen Blueprinting, Reproduction & Audio-Visual Taping		145	100K-500K	5C		6/81 (A)	
Computing Facilities & Key punching		240	100K-500K	9C		6/81 (A)	
Maintenance Mobile Equipment		30	100K-500K	8M		9/81 (A)	
Instrument Repair Shop	TRAINING CENTER, GOVERNORS ISLAND, NY	34	100K-500K	5M		9/81 (A)	
Word Processing Center		28	100K-500K	6M	9/81 (A)		
Building/Grounds Maintenance		14	100K-500K	6M	9/81 (A)		

Federal Aviation Administration

ADP Services—Programming, systems analysis, design, development, simulation, key punch, data entry, equipment installation, operation and maintenance.	FAA Headquarters, Washington, DC	123	2,330	18	3/82 B		
	Alaskan Region, Anchorage, AK	705	588	9	3/82 B		
	Central Region, Kansas City, MO	821	722	12	3/82 B		
	Eastern Region, Jamaica, NY	521	960	16	3/82 B		
	Pacific-Asia Region, Honolulu, HI	502	258	4	3/82 B		
	Southern Region, Atlanta, GA	821	970	15	3/82 B		
	Southwest Region, Ft. Worth, TX	603	962	16	3/82 B		
	Western Region, Los Angeles, CA	821	995	16	3/82 B		
	Aeronautical Center, Oklahoma City, OK 10,854	7,172	182		3/81A		
	Technical Center, Atlantic City, NJ	40,824	8,769	94	3/82 A		
Janitorial Services	Washington National Airport and Dulles International Airport	46	1,004	60	3/81 B		
Landscaping, mowing, care of grounds, and street sweeping, Maintenance of buildings, structures, runways, roads, and other paved areas.	do	466	2,925	80	7/81 B		
Operation and maintenance of airport utility systems.	do	127	5,532	99	3/82 B		
Maintenance and operation of automotive and other equipment (including mobile lounges at Dulles).	do	4,444	2,844	100	1/82 B		
Warehousing	do	66	459	10	10/81 B		
Design, engineering, construction, modification, repair, and maintenance of buildings and structures.	Technical Center, Atlantic City, NJ	61	1,026	16	12/81 B		
Construction, alteration, repair, and maintenance of roads and other surfaced areas.	do	11,183	628	20	12/81 B		
Landscaping, drainage, mowing and care of grounds.	do	2,837	178	8	12/81 B		
Photography	do	1,100	252	6	3/82 B		
Arts and Graphic Services	do	198	264	9	12/81 B		
Industrial shops and services—machine, carpentry, electrical, plumbing, heating, paint, environmental, water & sewage.	do	1,159	2,321	40	1/81 B		
Operation of utility systems	do	1,957	233	6	3/82 B		
Operation of motor pool	do	180	215	3	12/81 B		
Audiovisual products and services, motion and still photography, graphics and closed circuit TV.	Aeronautical Center Oklahoma City, OK	538	873	33	9/80 B		
Maintenance of special purpose vehicles.	do	310	777	21	2/81 B		
Operation, maintenance, repair and modification of utility systems, buildings & structures.	do	320	1,143	67	7/81 B		
Industrial shops and services, equipment and instrument fabrication, repair and calibration.	do	2,900	8,010	202	10/81 A		
Bulk storage operations—A centralized depot for receiving, inspecting, storing, shipping, and modifying materials and equipment.	do	908	5,644	109	12/81 A		

Department of Transportation—Inventory of In-House Commercial or Industrial Activities—Continued

(OMB Circular A-76) May 1981

Activity description	Activity location	Capital investment (\$000)	Annual operating cost (\$000)	Number of employees	Last review	Next scheduled review (see code A-8)	Basis for continuation of activity (see code C-H)
CENTRAL REGION							
Maintenance, Modification, & Repair of Buildings, Structures, Grounds, Roads, & other Surfaced Areas.	Kansas City, MO area	150	400	14		1/82A	
	Omaha, NE area	45	190	6		1/82A	
Word Processing Center	Kansas City, MO Federal Office Building	54	130	10		1/82A	
SOUTHWEST REGION							
Custodial/Janitorial Services Refuse Collection & Processing.	Fl. Worth, TX Regional Office	11	112	10		9/81B	
Word Processing Center	do	10	320	15		9/81A	
Industrial Shops/Services and Warehousing.	do	17	131	4		11/81A	
SOUTHERN REGION							
Maintenance, Modification, & Repair of Buildings, Structures, Grounds, Roads, & other Surfaced Areas.	Atlanta, GA area	29	221	11		9/81A	
	Memphis, TN area	25	190	8		9/81A	
	Jacksonville, FL area	22	168	6		9/81A	
EASTERN REGION							
Industrial Shops and Services	Jamaica, NY Regional Office	50	143	3		9/81B	
Warehousing	do	41	173	4		9/81B	
ALASKAN REGION							
Word Processing Center	Anchorage, AK, Federal Office Bldg		155	9		6/81A	
Repair & Maintenance of Industrial Plant Equipment.	Anchorage, AK, International Arpt	490	130	1		4/81A	
Warehousing, Bulk Storage	do	149	180	6		4/81A	
Freight Handling	do		115	3		5/81A	
Carpenter Shop	do		145	2		12/80B	
Commissary Service	do	242	(*)	(*)		5/81A	
WESTERN REGION							
Maintenance, Modification and Repair of Buildings, Structures Roads, and other Surfaced Areas.	Phoenix, AZ area	80	127	4		1/82A	
	Lancaster, CA area	42	109	2		1/82A	
	Las Vegas, NV area	38	149	2		1/82A	
	Riverside, CA area	42	120	2		1/82A	
	Reno, NV area	80	129	3		1/82A	
Operation and Maintenance of Buildings and Grounds.	Fairbank Highway Research Station, McLean, VA.	0	309	11	Not previously re-viewed	A—underway	
Messenger Service	Fairbank Highway Research Station, McLean, VA.	0	24	1	Not previously re-viewed	A—underway	
Systems Analysis and Programming in Support of FHWA Administrative and Mission Applications.	Data Systems Division Washington, D.C.	0	770	32	Not previously re-viewed	A—underway	
Systems Analysis and Program Support of FHWA Work not Provided in House.	General Services Administration Huntsville, Alabama.	0	330				H
Video Production	Office of Management Systems	18	39	1	Not previously re-viewed	A—underway	
ADP Support Services	Eastern Direct Federal Division, Arlington, VA	167	278	8	Not previously re-viewed	3rd Qtr. FY 81 A	
ADP Support Services	Central Direct Federal Division, Denver, CO	631	434	12	Not previously re-viewed	3rd Qtr. FY 81 A	
Property and Supply Support (Warehousing, equipment inspection).	Central Direct Federal Division, Denver, CO	23	230	5	Not previously re-viewed	3rd Qtr. FY 81 A	
ADP Support Services	Western Direct Federal Division, Vancouver, WA.	105	286	9	Not previously re-viewed	3rd Qtr. FY 81 A	
Supply and Maintenance Support—equipment, warehousing, building and ground maintenance.	Western Direct Federal Division, Vancouver, WA.	1,800	284	4	Not previously re-viewed	3rd Qtr. FY 81 A	
Alaska Railroad	State of Alaska	145,000	37,000	474		6 ^a	

Department of Transportation—Inventory of In-House Commercial or Industrial Activities—Continued

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Activity description	Activity location	Capital investment (\$000)	Annual operating cost (\$000)	Number of employees	Last review	Next scheduled review (see code A-B)	Basis for continuation of activity (see code C-H)
NHTSA Hot Line	Office of Defects Investigation, Enforcement, Washington, DC	18	310	3	10/80	12/81	
Logistics Support—Mail, Messenger, Switchboard, Travel Reservations	Transportation Systems Center, Cambridge, MA	6	122	7	11/80	12/85 B	F
Property & Supply Support—Cataloging, Warehousing, Stock Issue	do	11	128	5		Ongoing B	
Facilities Maintenance & Operation	do	69	396	13		1/82 B	

Code: A—Step 1 (noncost criteria). B—Step 2 (comparative cost analysis). C—No satisfactory commercial or other Federal agency source available. D—Use of commercial source would disrupt program. E—National defense. F—Contracting not economical based on comparative cost analysis. G—Waived from future review. H—Product/service provided by other Federal agency.

¹ To be provided.

² Annual operating costs and employees vary depending on sales volume. Operating costs are underwritten by proceeds from sales.

³ Legislation is being prepared by FRA which would transfer the railroad to the State of Alaska.

Department of Transportation Inventory of Contract Commercial or Industrial Activities

(OMB Circular A-76), May 1981

Contract No.	Contract description	Using facility and organization	Contractor name	Contract period	Period of options	Contract price (\$000)	Scheduled review (see code)
Office of the Secretary							
DTOS59-80-D-00001	Moving and hauling	Washington Headquarters	Edwards Trucking Co	10/80-9/81	None	420	C
U.S. Coast Guard							
SUPPORT CENTER, NEW YORK, NY							
DOT-CG03-7573	Custodial Services		See Clear Maintenance Corp.	10/80-9/81	¹ 1	653	C
DOT-CG03-7949	Security Services		City Wide Security Service, Inc.	4/81-3/82	¹ 1	778	C
DOT-CG03-8010	Janitorial Services		Space Services of Georgia, Inc.	7/80-6/81		138	6/81
DTCG-80-C00018	Security Services	Base, San Juan, PR	Chemical Technology	12/80-9/81	¹ 3	465	9/81
DTCG80-0410	Leased Helicopter	Marine Safety Office, Galveston, TX	PHI, Inc.	10/80-9/81	¹ 1	1,800	D
DOT-50-796-A	Electronic Maintenance	Vessel Traffic System, New Orleans, LA	Burroughs Corp.	10/80-9/81		290	D
DOT-CG1752195-A	VHF-FM Communications	Base, Valdez, AK	Engineering Systems	10/80-9/81		500	9/81 (A)
DOT-CG1751409-A	VHF-FM Communications	Base, Juneau, Ketchikan, Kodiak, AK	Engineering Systems	10/80-9/81		500	9/81 (A)
76-651000-9186-Pro12	Contract Field Service HH52A/HH3F Simulator	Aviation Training Center, Mobile, AL	Reflectone, Inc.	10/80-9/81		158	D
GSA, GS-00C-50361, PS-92130	ADP Services/Timeshare (OMEGA)	Washington Headquarters	U.S. Steel	10/80-9/81		150	D
COAST GUARD ACADEMY, NEW LONDON, CT							
DOT-CG6079-2003	Janitorial Services		Sunset Custodial Services, Inc.	10/80-9/81	¹ 2	220	9/81
DOT-CG6079-1896	Security Guards		Sunset Custodial Services, Inc.	10/80-9/81	¹ 1	284	9/81
DOT-CG-6078-1876	Mess Attendant Service		Logistical Support, Inc.	10/80-9/81	¹ 1	767	9/81
MIPRZ-60110-401	ADP Support		GSA Boston (Input/Output Computer Service)	7/80-9/81	¹ 4	295	C
DOT-CG-6079-1948	ADP Service		Dartmouth College	2/81-9/81	¹ 2	234	D
DOT-CG74-123	Mess Attendant Services	Training Center, Petaluma, CA	Small Business Administration	10/80-9/81	¹ 3	452	9/81
AIRCRAFT REPAIR AND SUPPLY CENTER, ELIZABETH CITY, NC							
DTCG38-80-C-00020	Overhaul/Repair Components HH52/HH3F Helicopter		Sikorsky Aircraft	10/80-9/81	¹ 1	4,000	9/81 (A)
DTCG38-80-C-00038	Overhaul Fuel Controls for HH51/HH3F Helicopter		Hamilton Standard	10/80-9/81	¹ 1	350	9/81 (A)
AIRCRAFT REPAIR AND SUPPLY CENTER, ELIZABETH CITY, NC							
DTCG38-80-R-00015	Overhaul/Repair Auxiliary Service		MOOG, Inc.	10/80-9/81	¹ 1	284	9/81 (A)
DOT-CG40-4472	Maintenance for LTN-72		Liton Industries	10/79-9/81	10/80-9/81	195	9/81 (A)
COAST GUARD YARD, BALTIMORE, MD							
DTCG-40-80-D-50013	Supply of Plastic Discrepancy Buoy		Environmental Plastics Engineering Co.	¹ 1	1/80-12/80	150	12/81 (A)
DTCG-80-2972	Janitorial Services		J&L Janitorial Services, Inc.	¹ 1	4/80-12/80	117	12/81 (A)
DTCG-80-2976	Vacuum Clean Dry Docks & Dispose of Grit		Tri-State Industrial Vacuum Services	¹ 1	8/80-7/80	125	9/81 (A)
DTCG-80-2983	Tank & Bilge Cleaning		J&L Industries	¹ 1	5/80-12/80	133	12/81 (A)
DTCG-80-00029	Security Guards Services	Base, Charleston, SC	WHAT-MAC	¹ 1	10/80-9/81	65	9/81 (A)
DTCG-80-6215	Security Services	Air Station Miami, FL	So. States	¹ 1	10/80-9/81	85	9/81 (A)
GREAT LAKES REGION							
DTFA14-81-C-A0273	Janitorial Service	Air Route Traffic Control Center, Oberlin, OH	Sullivan Janitorial Service	1/81-12/81		262	C
DTFA14-80-C-A0074	Janitorial Service	Air Route Traffic Control Center, Indianapolis, IN	Givens-Ultimate Janitorial	5/80-6/81		127	C
DTFA14-80-C-A0176	Maintenance of Beech C-99 Aircraft	Flight Standards Division, Des Plaines, IL	George J. Priester Services, Inc.	6/80-6/81	6/81-6/83	177	3/83

Department of Transportation Inventory of Contract Commercial or Industrial Activities—Continued

(OMB Circular A-76) May 1981

Contract No.	Contract description	Using facility and organization	Contractor name	Contract period	Period of options	Contract price (\$000)	Scheduled review (see cpde)
DTFA14-81-C-A0297	Janitorial Service	Air Route Traffic Control Center, Farmington, MN.	Byrd Maintenance Co.	12/80-11/81		203	C.
DTFA14-80-C-A0055	Janitorial Service	Air Route Traffic Control Center, Aurora, IL.	A&R Window Cleaning	4/80-5/81		207	C.
EASTERN REGION							
80-C-70028	Janitorial Service	Air Route Traffic Control Center, Leesburg, VA.	Unified Services	6/80-5/81		154	C.
79-EA-9469	Janitorial Service	Air Route Traffic Control Center, Ronkonkoma, NY.	Commercial Building Maintenance	9/79-8/80	9/80-8/81	172	5/81.
77-EA-9089	Armed Guard Service	Air Route Traffic Control Center, Leesburg, VA.	Blue Ridge Security	9/79-8/80	9/80-8/81	137	5/81.
79-EA-9469	Armed Guard Service	Terminal Radar Approach Control Facility, Garden City, NY and Air Route Traffic Control Center, Ronkonkoma, NY.	City Wide Services	9/79-8/80	9/80-8/81	347	C.
SOUTHWEST REGION							
DTFA07-80-C-02861	Armed Guard Service	Air Route Traffic Control Center, Ft. Worth, TX, Houston, TX, Albuquerque, NM.	Taylor Detective Agency	10-80-9/81		150	C.
DTFA07-80-C-02867	Janitorial Service	Air Route Traffic Control Center, Ft. Worth, TX.	Widman, Inc.	10/80-9/81		120	C.
DTFA07-80-C-02842	Janitorial Service	Air Route Traffic Control Center, Albuquerque, NM.	Tafaya Maintenance Service	9/80-8/81		124	C.
DTFA07-80-C-02795	Janitorial Service	Air Route Traffic Control Center, Houston, TX.	Rowe Contracting Service, Inc.	8/80-5/81		100	C.
DTFA07-80-C-02801	Maintenance/Inspection of Beech C-90 Aircraft	Flight Standards Division, Ft. Worth, TX.	Executive Jet Works, Inc.	10/80-9/81		186	6/81.
SOUTHERN REGION							
DTFA06-80-C-30211	Janitorial Service	Air Route Traffic Control Center, Hampton, GA.	Brown-Ko Services, Inc.	10/80-9/81		120	C.
DTFA06-81-C-30206	Armed Guard Service	Air Route Traffic Control Center, San Juan, PR.	Vigilantes, Inc.	3/81-2/82		135	C.
NEW ENGLAND REGION							
DTFA12-81-C-A0010	Janitorial Service	Air Route Traffic Control Center, Nashua, NH.	Chief's Cleaning Co.	10/80-9/81		144	C.
DTFA12-81-C-A0011	Armed Guard Service	Air Route Traffic Control Center, Nashua, NH.	Security Unlimited Enterprise, Inc.	10/80-9/81		103	C.
ALASKAN REGION							
DTFA04-81-C-10020	Board & Lodging of FAA Personnel	Deadhorse, AK.	Alaska International Construction.	10/80-9/81	10/81-12/81	180	9/81.
NORTHWEST REGION							
DTFALL-81-C-00001	Janitorial Service	Air Route Traffic Control Center, Auburn, WA.	Bill Pittman Janitorial Service	10/80-9/81		185	C.
WESTERN REGION							
DTFA08-81-C-06091	Janitorial Service	Office/Hangar Complex, Los Angeles Intl Arpt, CA.	A1 & Associates	10/80-9/81	10/81-9/82	152	C.
DTFA08-81-C-06061	Janitorial Service	Air Route Traffic Control Center, Palmdale, CA.	A1 & Associates	10/80-9/81	10/80-9/82	213	C.
DOTFA-80-WE-5443	Janitorial Service	Air Route Traffic Control Center, Fremont, CA.	B&B Maintenance	10/79-9/80	10/80-9/81	126	C.
ROCKY MOUNTAIN REGION							
D800046A	Janitorial Service	Air Route Traffic Control Center, Longmont, CO.	Young's Janitorial	9/80-8/81	9/81-8/82	147	C.
CENTRAL REGION							
DTFA09-81-C-20001	Janitorial Service	Air Route Traffic Control Center, Olathe, KS.	Sylvester James & Sons Maintenance Service.	10/80-9/81		158	C.
DTFA09-81-A-30100	Maintenance of Beech BE-90 Aircraft.	Flight Standards Division, Kansas City, MO.	Executive Beechcraft, Inc.	10/80-9/81		100	6/81.
DTFA-02-81-D-81034	Sabre 40	Mike Monroney Aeroanautical Center, Oklahoma City, OK.	Flight Safety International	12/80-12/81		197	9/81.
DTFA-02-81-D-81528	Overhaul/repair communications monitors.	do	Knowles Communication	12/80-12/81	12/81-12/83	110	9/83.
DTFA-02-81-D-81124	DC-10	do	United Airlines	3/81-3/82		422	12/81.
DOT-FA-78AC-8427	Overhaul/repair IBM keyboards	do	A&J Industries	10/78-10/79	10/79-10/81	170	7/81.
DTFA-02-81-C-81514	Dedicated repair ARSR-3	do	Westinghouse	12/80-11/81	11/81-11/83	225	8/83.
DTFA-02-81-D-81102	ADP Maintenance	do	Eaton Corp.	2/81-2/82	2/82-2/84	182	11/83.
DTFA-02-81-D-81160	Sabre 80	do	Flight Safety International	4/81-4/82		351	1/82.
DOT-FA79AC-9154	Hawker-Siddeley 125	do	Flight Safety International	6/80-6/81		113	5/81.
DTFA-02-80-D-80224	Gulfstream II	do	Flight Safety International	9/80-9/81		162	6/81.
DOT-FA79AC-9157	Gulfstream II	do	Flight Safety International	7/80-7/81		155	4/81.
DTFA-02-81-D-81028	Lockheed 1011	do	Eastern Airlines	11/80-11/81		250	8/81.
DTFA-02-80-D-80261	Jet Commander 1121/1124	do	Flight Safety International	9/80-9/81		269	6/81.
DOT-FA79AC-9251	Cessna 500	do	Flight Safety International	9/80-9/81		104	6/81.
DTFA-02-81-D-81085	B 707/720	do	Trans World Airlines	1/81-1/82		346	9/81.
DTFA-02-81-D-81092	B 737	do	United Airlines	2/81-2/82		215	11/81.
DTFA-08-81-D-81023	Lear 23/24/25 + 35/35	do	Flight Safety International	11/80-11/81		384	8/81.
DTFA-02-81-D-81156	DC-8	do	United Airlines	4/81-4/82		484	1/82.
DTFA-02-81-D-81147	Aircraft Rental—Various	do	Stopher Mechanical	4/81-4/82	4/82-4/84	486	1/82.
DTFA-02-81-D-81106	Aircraft Rental—Sabre 40	do	Rockwell International	10/80-9/81	10/81-9/83	199	6/83.
DTFA-02-80-D-80155	Training—ILS Equipment	do	Wilcox Electric	6/80-6/81		220	2/81.

Department of Transportation Inventory of Contract Commercial or Industrial Activities—Continued

(OMB Circular A-76) May 1981

Contract No.	Contract description	Using facility and organization	Contractor name	Contract period	Period of options	Contract price (\$000)	Scheduled review (see code)
PILOT TRAINING							
DTFA-02-80-D-80113	DC-8	do	Braniff Airways, Inc.	5/81-5/80		403	1/81
DTFA-02-81-D-81114	B727	do	Braniff Airways, Inc.	3/81-3/82		940	12/81
DTFA-02-80-D-80168	A300 AIRBUS	do	Eastern Airlines, Inc.	6/80-6/81		105	2/81
DTFA-02-80-D-80114	DC-9	do	Republic Airlines, Inc.	5/80-5/81		177	1/81
DTFA-02-81-D-81155	B-747	do	Braniff Airways, Inc.	4/81-4/82		494	1/82
DTFA-02-81-D-81012	Cessna Citation 500	do	American Airlines	10/80-10/81		104	7/81
DTFA-02-81-D-81597	Janitorial Service	do	Angel-Aire Chemical Co.	3/81-3/82		477	C.
DOT-FA78AC-8208	Security Guard Services	do	Contract Security Services/SBA	9/80-9/81		264	C.
DTFA-02-80-D-8006	Bus Service	do	Airport Transfer Services, Inc.	10/80-9/81	10/80-9/82	410	6/82
DOT-FA70AC-2179	Lease of Training Facilities & Services	do	Cameron University, Lawton, OK	10/80-9/81	10/81-9/83	1,102	6/83
DTFA-02-80-C-80001	Supervisory & Management Training Program	do	University of Oklahoma	9/80-9/81	9/81-9/82	1,038	6/82
DOT-FA78AC-8560	Lease of Facilities & Service for Training	do	University of Oklahoma	9/80-9/81		376	6/81
DOT-FA78AC-8074	Predevelopment Training Service	do	University of Oklahoma	10/80-9/81		494	6/81
DOT-FA78AC-5544	Airport Use/Fire Protection	do	Midwestern Oklahoma Development Authority	10/80-10/81		414	7/81
DTFA-02-81-D-81001	Into Plane Fueling & Defueling	do	MR Equipment	10/80-9/81	9/81-9/83	275	C.
DTFA-02-80-D-80120	Overhaul/Repair and Mod. P&W JT8D-7 Engines	do	Cooper Airmotive	6/80-6/81	6/81-6/83	1,198	3/83
DOT-FA79AC-9122	Overhaul/Repair Allison 501D13D Engines	do	National Airmotive	7/80-7/81	7/81-4/82	564	1/82
DTFA-02-80-D-80083	Overhaul/Repair Pratt Whitney J12A-8N Engines	do	Cooper Airmotive	3/80-3/81	3/81-3/83	211	12/82
DOT-FA79AC-9048	Overhaul/Repair CJ805-3B, QEC Assys.	do	Batch Air, Inc.	1/80-1/81	1/81-1/82	125	4/81
DOT-FA78AC-8152	Overhaul/Repair Propellers and Components	do	Hamilton Standard	7/80-8/81		253	10/81
DOT-FA79AC-9628	Elevator Maintenance	do	Universal Elevator Co.	9/80-9/81	9/81-9/82	123	C.
DOT-FA79AC-81003	Grounds Maintenance	do	City of Oklahoma City	10/80-9/81		161	6/81
DTFA-02-81-D-81596	Janitorial Service	do	S&M Cleaning Service	3/81-3/82		477	C.
DOT-FA79AC-9460	Repair Navigational Aids	do	Raytheon Service	5/80-5/81	5/81-5/82	362	2/82
DOT-FA79AC-9395	IBM Printer Repair	do	A&J Industries	12/79-12/80	12/80-12/83	296	9/83
DTFA-02-80-D-80457	Repair Component Parts for ARTS III A	do	Sperry Univac	4/80-4/81	4/81-4/82	1,427	1/82
DTFA-02-80-D-80559	Dedicated Repair for ARTS III	do	Burroughs Corp.	9/80-8/81	8/81-8/83	483	5/83
AC-9350	Dedicated Repair for ARSR-3	do	Westinghouse Electric	10/80-10/81		260	6/81
DOT-FA79AC-9071	Construct Antenna Towers	do	Andrews Tower, Inc.	1/80-1/81	1/81-1/82	160	10/81
DTFA-02-80-D-81004	Overhaul/Repair of VOR Components	do	Wilcox Electric, Inc.	9/80-9/81	9/81-9/83	163	4/83
DTFA-02-80-C-80032	Test/Repair Inertial Sensor Units	do	Liton Systems	1/80-1/81	1/81-1/83	122	10/82
DTFA-02-80-D-80121	Overhaul/Repair Rolls Royce Dart Model 529-8X Engines	do	Rolls Royce (Canada) Limited	5/80-5/81	5/81-5/83	135	2/83
DTFA-03-81-C-00046	Operation and Maintenance of two steam generating plants	FAA Technical Center, Atlantic City, NJ	I.E.S. of Texas, Inc.	5/81-4/82		129	C.
DOT-FA77NA-4039	Maintenance of 9020 Computer Complex	do	IBM	10/80-9/81		788	6/81
DOT-FA79NA-6148	Custodial and Trash Collection Services	do	Atlantic Maintenance, Inc.	10/80-9/81		759	C.
DTFA-03-80-C-00094	Guard & Fire Services	do	JOWA Security, Inc.	11/80-9/81		1,106	C.
19-0681	Develop Computer Software	do	GSA	10/80-9/81		148	D.
LG 5-9-0008	ADP Systems Analysis and Programming Services	FAA Headquarters, Washington, D.C.	Input/Output Computer Services, Inc.	10/80-10/81		700	C.
DTFA-01-80-Y-20500	Engineering Services	do	Unified Industries	10/80-9/81		300	C.
DOT-FA79WA 1-125	do	do	Lloyd Arthur & Associates	10/80-9/81		137	C.
DOT-FR-538-OC-00015	Track Geometry & Rail Flaw Inspection Vehicle Operations	Washington Headquarters	ENSCO, Inc.	1/80-12/83	1/84-12/84	13,650	10/82 (A)
National Highway Traffic Safety Administration							
DTNH22-80-C-01190	Data Management System	Office of Defects Investigations	Opportunity Systems	2/81-2/82		217	C.
DOT-HS-9-02236	Parts Return Program	Office of Defects Investigations	Kappa Systems	9/81-9/82		125	D.
Research and Special Programs Administration							
DOT-TSC-1729	Information Support Services	Transportation Test Center, Cambridge, MA	Raytheon Service Co.	7/79-6/82	7/79-6/83	6,525	C.
DOT-TSC-1745	ADP Support Services	do	SOC Integrated Services, Inc.	10/79-10/82	11/82-10/83	14,695	C.
DOT-TSC-1576	Custodial Services	do	Empire Cleaning Co.	7/78-9/81	None	602	C.
DTRS-57-80-C-0003	Material Handling Services	do	C. Walsh, Inc.	10/79-9/82	10/82-9/83	450	C.
DOT-RC-82003	RSPA Management Information System	Office of Policy, Plans & Administration, Washington, DC	Information Sciences Corporation	1/79-6/81	(*)	450	5/81
Award Pending	Hazardous Materials Information System	Office of Facilitation, Washington, DC		10/81-10/83	(*)	500	10/82

* Year or years. * No options.

Code: A—Step 1 (preliminary cost evaluation); B—Step 2 (comparative cost analysis); C—Contract awarded under set-aside program—no review required; D—in-house performance not feasible.

[FR Doc. 81-20931 Filed 7-20-81; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

1980 Populations for Indian Tribes and Alaskan Native Villages

AGENCY: Office of Revenue Sharing, Treasury Department.

ACTION: Notice of the dates and changes in the data definitions of the 1980 populations for Indian Tribes and Alaskan native villages.

SUMMARY: The Office of Revenue Sharing gives notice that it has mailed 1980 resident population data to all eligible Indian tribes and Alaskan native villages for their review, and that the Office has revised the definitions of the Indian population data for Oklahoma tribes and other population data matters affecting certain other Indian tribes.

DATES: The 1980 population data were mailed to all Indian tribes and Alaskan native villages between June 17 and 30, 1981. Those persons wishing to challenge these data are requested to do so by August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Matthew Butler, Manager, Data and Demography Division, Office of Revenue Sharing, 2401 E St., N.W., Washington, D.C. 20226, (202) 634-5166.

SUPPLEMENTARY INFORMATION: In a Federal Register notice on May 21, 1981 (46 FR 27829), the Office of Revenue Sharing described the data definitions and challenge procedures for the Data Improvement Program for Entitlement Period 13 (October 1, 1981-September 30, 1982). On May 19, 1981 all eligible units of government except Indian tribes and Alaskan native villages were given their 1980 Census counts of population for review. Since the 1980 population data for Indian tribes and Alaskan native villages were not available from the Bureau of the Census, the population data sent to these governing bodies were their 1978 population estimates developed by the Bureau of Indian Affairs (hereafter referred to as BIA). The estimated allocations for Entitlement Period 13 shown on the data forms were computed using the 1978 population estimates.

The Bureau of the Census has recently supplied the Office of Revenue Sharing with 1980 resident Indian and Alaskan native population data. Between June 17 and 30, 1981, the Office of Revenue Sharing provided these data to all eligible Indian tribes and Alaskan native villages on either a ORS 3233 or TDF 90-18.3 form. A description of the forms was detailed in the May 21, 1981 Federal Register notice.

Indian tribes and Alaskan native villages are requested to review their 1980 population data. Except for the changes detailed in this notice, the definition of the 1980 population data is contained in the publication *General Revenue Sharing Data Definition for Allocation to Local Governments, Entitlement Period 13*. Copies of this publication were sent to all governments on May 19, 1981. If an Indian tribe or Alaskan native village believes that there are errors in its population data relative to the data definitions, it should return the data form to the Office of Revenue Sharing by August 1, 1981 with evidence justifying the proposed data corrections. Governments which do not wish to question their data or to certify a disaster need not return the form.

When the Office of Revenue Sharing receives a written challenge from a tribe or Alaskan native village, it will work with the Bureau of the Census or BIA to either substantiate or revise the questioned data, and will advise the tribal or Alaskan native village government of its decision. Any resulting population changes received by the Office of Revenue Sharing will be used to affect the tribal government's allocation for Entitlement Periods 12 (October 1, 1980-September 30, 1981) and 13.

Population Definition for Oklahoma Tribes

The Office of Revenue Sharing is also giving notice of a change in the data definitions of the 1980 populations for the Oklahoma tribes with trust lands located within the historic reservation areas. The Bureau of the Census intends to provide the Office of Revenue Sharing by June 1982 with the resident populations for these tribes based on tribal information data taken from the 1980 Census long forms (sample).

Oklahoma Indian governments except the Osage Tribal Council do not have current reservation boundaries within which population can be determined. Also, the Bureau of the Census cannot determine the Indian population on Oklahoma Indian trust lands since they do not match the geography of Census enumeration districts. The BIA has advised that Indian governing bodies in Oklahoma which do not have current reservations generally do not provide governmental services to persons not identified with the tribe of that governing body. Therefore, the Office of Revenue Sharing is giving notice that the population of Oklahoma Indian tribes (except the Osage Tribal Council which has a reservation) will include only Indians identified with the tribe of the

Indian governing body and their spouses and children. They must be living within the boundaries of the historic area of any tribe in those Oklahoma counties where their tribes had a reservation which had legally established boundaries during the period 1900-1906.

Oklahoma Historic Areas

The lands in each Oklahoma county which were part of one or more Indian reservation which had legally established boundaries during the period 1900-1906 will be treated jointly as the land of all the reservations located in that county. Therefore, within a given county, Indians identified with a tribe whose historic reservation includes a portion of that county will be enumerated with that tribes regardless of whether they reside within their tribe's own historic reservation area or that of one of the other tribes. Areas inside cities and towns will be subtracted from the land of the tribes. Only Indians identified with the tribe of the Indian governing body and their spouses and children living within the boundaries of the tribal area described above are to be included in the population data of Oklahoma Indian governments.

The Oklahoma tribal population data for 1980 will not be available from the Bureau of the Census until tribal information enumerated on the 1980 Census long form (sample) is tabulated in June 1982. As requested by the Office of Revenue Sharing after consultation with the BIA, the Bureau of the Census projected the 1978 population estimates for Oklahoma Indian tribes to the April 1, 1980 Census date. The 1980 population estimates were computed by applying for 1979 and 1980 the same rate of increase in Indian population which occurred between 1977 and 1978 to the 1978 population estimates developed by the BIA for revenue sharing purposes. These estimates were rounded to the nearest "5," and adjusted if necessary so as not to exceed the total counts from the 1980 Census of the Indian population of the county.

Jointly Owned Areas

There are several areas or reservations which are jointly owned by more than one tribal governing body. The 1980 Census population for these was distributed proportionally among the governing bodies using the same proportions developed by BIA to produce the 1978 BIA population estimates for these areas.

Population Revisions for Certain Tribes

The Bureau of the Census has advised the Office of Revenue Sharing that the Census counts of ten reservations will be affected by future revisions in data. The tribes affected are:

Huron Potawatomi (MI)
Mattaponi Indian Tribe (VA)
Miccosukee Business Council (FL)
Onondaga Nation (NY)
Pomunkey Indian Tribe (VA)
Santa Clara Pueblo Council (NM)
Santa Ynez Business Council (CA)
Standing Rock Sioux Tribal Council (SD, ND)
Tigua Indian Community (TX)
Tuscarora Nation (NY)

The Bureau of the Census estimated the expected number of American Indians for these tribes. The Bureau of the Census will be reprocessing selected States to develop the actual population data. As a result, the revised figures may vary from population used in the final allocation of Entitlement Period 12 (October 1, 1980–September 30, 1981) and the initial allocation for Entitlement Period 13 (October 1, 1981–September 30, 1982).

The Bureau of the Census has not as yet enumerated the resident populations for two eligible tribal governments, the Robinson Tribal Council of California and the Siletz Interim Council of Oregon. The Bureau of the Census did not have appropriate maps of the lands of these tribal governments at the time of the 1980 Census. The BIA has provided 1980 population estimates for the Robinson Tribal Council and for the Siletz Interim Council. These data and the revenue sharing allocations based on them are subject to revision as soon as appropriate 1980 Census data become available.

Allocation Adjustments

When the Bureau of the Census provides the Office of Revenue Sharing with the resident population for the tribes described in this notice based on tribal information data taken from the 1980 Census long form (sample), the Office of Revenue Sharing will compute allocation adjustments for these tribes. Subject to the one year limitation on adjustments, the Office of Revenue Sharing will make demands for adjustments to the final allocations of Entitlement Period 12 (October 1, 1980–

September 30, 1981) for these Indian tribes.

These resident population data also will be used in the final allocation for Entitlement Period 13 (October 1, 1981–September 30, 1982) if they are available. Otherwise, when these data are received the Office of Revenue Sharing will make demands for adjustments to the final Entitlement Period 13 allocations for these tribes subject to the one year limitation on adjustments.

Authority: This notice is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 *et seq.*) and Treasury Department Order No. 224, January 26, 1973 (33 FR 3342) as amended by Treasury Department Order No. 242, Revision No. 1, May 17, 1977.

Dated: July 10, 1981.

Kent Peterson,

Deputy Director, Administration and Operations, Office of Revenue Sharing.

[FR Doc. 81-21044 Filed 7-17-81; 8:45 am]

BILLING CODE 4810-28-M

[General Counsel Order No. 25]

Office of the Secretary

Appointment to the Performance Review Board

I hereby appoint James Keightley to replace Stephen Miller on the General Panel of the Legal Division Performance Review Board.

Effective date: April 9, 1981.

David R. Brennan,

Acting General Counsel.

[FR Doc. 81-21081 Filed 7-17-81; 8:45 am]

BILLING CODE 4810-25-M

Release of New "Model" Income Tax Treaty for Public Comment

The Treasury Department released for public comment a draft of a new United States "Model" Convention to avoid double taxation and fiscal evasion with respect to taxes on income and capital. The new Model would replace the Model of May 17, 1977 as the basic United States negotiating position in bilateral income tax treaty negotiations.

The proposed new Model adheres closely to the 1977 Model Income Tax Convention published by the

Organization for Economic Co-operation and Development, deviating principally when necessary to reflect unique characteristics of United States law or policy. While most of the changes from the 1977 U.S. Model are of a technical or clarifying nature, some are substantive. Among the changes are reduction of the basic permanent establishment threshold from 24 months to 12 months; inclusion of a definition of "attributable to" in the business profits article; addition of a provision in the capital gains article dealing with real property holding companies; a new Article 16 dealing with limitation of treaty benefits; elimination of the 183 day threshold for independent personal services; and inclusion of a per country limitation in the credit article.

In practice U.S. bilateral conventions will never reflect precisely the Model. The process of agreeing upon a balanced income tax convention requires the United States to depart at times from its preferred positions. Moreover, at times the United States seeks variations in provisions of the Model where particular features of foreign law render those provisions inappropriate. Since, however, the U.S. Model does represent the starting U.S. negotiating position, Treasury is soliciting public comment before deciding finally on changes to the 1977 Model. Comments should be addressed to Acting International Tax Counsel, Room 4013, Main Treasury Building, Washington, D.C. 20220. To assure consideration, comments should be submitted by August 31, 1981.

Treasury is also considering issuing a commentary on the new Model. Commentators are asked to indicate areas in which explanation would be helpful and whether they believe a public meeting to discuss the proposed new Model would be desirable.

A limited number of copies of the draft Model is available from the Treasury Press Office, Room 2313, Treasury Department, Washington, D.C. 20220, telephone (202) 566-2041.

Dated: July 13, 1981.

John E. Chapoton,

Assistant Secretary (Tax Policy).

[FR Doc. 81-21080 Filed 7-17-81; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 138

Monday, July 20, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
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Securities and Exchange Commission	4

1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: See Federal Register dated July 16, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m. Tuesday July 21, 1981.

CHANGES IN THE MEETING: Addition to the Meeting—10:30 a.m.—Enforcement Matter—Litigation.

[S-1101-81 Filed 7-15-81; 4:36 pm]

BILLING CODE 6351-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

Notice of Meeting
July 15, 1981.

TIME AND DATE: 10 a.m., July 22, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—497th Meeting, July 22, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 2985, The Mead Corp.

CAP-2. Docket No. ER81-498-000, The Cleveland Electric Illuminating Corp.

CAP-3. Docket No. ER78-517, Connecticut Light & Power Co.

CAP-4. Docket No. Docket Nos. ER81-267-000 and ER81-341-000, Kentucky Utilities Co.

CAP-5. Docket No. ER81-392-000, Pennsylvania Power & Light Co.

CAP-6. Docket No. ER81-388-000, Virginia Electric & Power Co.

CAP-7. Docket No. ER81-387-000, Central Power & Light Co.

CAP-8. Docket No. ER80-363, Delmarva Power & Light Co.

CAP-9. Docket No. ER80-559, Kansas Power & Light Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. Docket No. RM81-2, small power production and cogeneration facilities—eligibility rates and exemptions for qualifying and utility-owned geothermal small power production facilities

CAM-2. Docket No. RM81- , contractual services for duplication of documents

CAM-3. Docket No. RM80-33, final rules for part 270, Subpart B, Sections 270.201, 270.202 and 207.204

CAM-4. Docket No. GP81-12-000, State of Mississippi, § 107 NGPA determination, Tomlinson Interests, Inc., Charles W. Cavanaugh No. 1 Well, FERC No. JD81-17507

CAM-5. Docket No. RA81-46-000, Navajo Refining Co.

Consent Gas Agenda

CAG-1. Docket No. RP81-78-000, Cities Service Gas Co.

CAG-2. Docket Nos. CP79-84-003 and CP79-84-004, Panhandle Eastern Pipe Line Co.

CAG-3. Docket Nos. RP81-87-000, North Penn Gas Co.

CAG-4. Docket Nos. RP80-91, and RP80-93, Arkansas Louisiana Gas Co.

CAG-5. Docket Nos. RP71-107 (phase II) (PGA76-1), and RP72-127 (R&D76-1), Northern Natural Gas Co.; Docket Nos. RP72-155 and RP73-104, El Paso Natural Gas Co.; Docket No. RP75-109, United Gas Pipe Line Co.; Docket No. RP78-18, El Paso Natural Gas Co.

CAG-6. Docket No. TA80-2-21 (PGA80-3), Columbia Gas Transmission Corp. and Columbia LNG Corp.; Docket No. TA80-2-22 (PGA-5, IPR80-3, LFUT80-2 and RD&D80-2), Consolidated Gas Supply Corp. and Consolidated LNG Co.; Docket No. RP80-136, Southern Natural Gas Co.; Docket No. RP80-129, State of Ohio ex rel., William J. Brown, Attorney General

CAG-7. Docket Nos. CI65-1047-000, et al., Amoco Production Co., et al.; Docket No. CI81-56-001, General American Oil Co.; Docket No. CI81-242-000, et al., Getty Oil Co.; (successor to Reserve Oil, Inc.); Docket Nos. CI81-249-000 and CI81-257-000, Getty Oil Co.

CAG-8. Docket Nos. G-20555 (FERC gas rate schedule No. 2) and CI68-308 (FERC gas

rate schedule No. 17), J. P. Owen (operator), et al.

CAG-9. Docket Nos. G-20195 and RI81-51 (FERC gas rate schedule Nos. 1, 3 and 5), Pioneer Oil & Gas Co., Inc. (operator), et al.

CAG-10. Docket No. CP80-349, Michigan Wisconsin Pipe Line Co. and United Gas Pipe Line Co.

CAG-11. Docket Nos. CP81-225-000 and CP81-256-000, Northern Natural Gas Co., Division of Internorth, Inc.

CAG-12. Docket No. CP81-73-000, Natural Gas Pipeline Co. of America and Tennessee Gas Pipeline Co., A Division of Tenneco Inc.

CAG-13. Docket No. CP81-151-000, Lone Star Gas Co., a Division of Enserch Corp.

CAG-14. Docket No. CP79-205-003, Colorado Interstate Gas Co.

CAG-15. Docket No. CP80-456, Northwest Pipeline Corp.

CAG-16. Docket No. CP79-374-002, Southern Natural Gas Co.

CAG-17. Docket No. CP81-353-000, Pennsylvania Gas & Water Co., applicant, Transcontinental Gas Pipe Line Corp., respondent

CAG-18. Docket No. CP81-177-000, Shenandoah Gas Co.

CAG-19. Docket Nos. CP81-284-000 and CP81-285-000, Consolidated Gas Supply Corp.

Regular Power Agenda

I. Licensed Project Matters

P-1. Project No. 2545, the Washington Water Power Co.

P-2. Project No. 4111-000, North Kern Water Storage District

II. Electric Rate Matters

ER-1. Docket No. ER81-518-000, the Toledo Edison Co.

ER-2. Docket No. ER81-504-000, Delmarva Power & Light Co.

ER-3. Docket No. ER79-277, Middle South Services, Inc.

ER-4. Docket No. ER77-533 (phase III), Louisiana Power & Light Co.

ER-5. Docket No. EL78-30, Concerned Citizens Against Power Monopoly V. Louisiana Power & Light Company

Regular Miscellaneous Agenda

M-1. Docket No. OF81-13-000, EG&G, Inc.

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Reserved

II. Producer Matters

CI-1. Reserved

III. Pipeline Certificate Matters

CP-1. Docket Nos. CP81-170, CP81-193 and CP81-203, Cities Service Gas Co.

CP-2(a) Docket No. CP81-174, Colorado Interstate Gas Co.

CP-2(b) Docket No. CP81-67, Trans Louisiana Gas Co., Inc.
 CP-3. Docket No. CP81-188, Consolidated Gas Supply Corp.
 CP-4. Docket Nos. CP81-219-000 and CP81-219-001, East Tennessee Natural Gas Co.; Docket No. CP81-337-000, Texas Eastern Transmission Corp.
 CP-5. Docket No. CP81-236, Northern Natural Gas Co.
 CP-6(a) Docket Nos. CP81-302-000, CP81-303-000 and CP81-304-000, Natural Gas Pipeline Co. of America; Docket No. CP81-322-000, Texas Gas Transmission Corp.
 CP-6(b) Docket No. CP80-540, Faustina Pipe Line Co.
 CP-6(c) Docket No. ST80-176-001, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
 CP-7. Docket No. CP78-266, Bear Creek Storage Co., Southern Natural Gas Co., and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Docket No. CP78-267, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
 CP-8. Docket No. ST81-268-000, Dow Intrastate Gas Co.

Kenneth F. Plumb,
 Secretary.

[S-1102-61 Filed 7-17-81; 8:45 am]
 BILLING CODE 6450-85-M

3

NATIONAL MUSEUM SERVICES BOARD (NMSB).

DATE AND TIME: July 24, 1981, 8:30 a.m. to 5 p.m.

PLACE: Room 4003, Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

STATUS: There will be a closed, executive session of the meeting from 8:30 a.m. to 10 a.m. The remainder of the meeting will be open to the public. Certification has been received for the Department of Education, Office of General Counsel, that in the opinion of that office, the NMSB "Would be authorized to close portions of its

meeting on July 24, 1981, under 5 U.S.C. 552b(c)(6) and 34 CFR 64.78 for the purpose of discussing the membership and staffing of NMSB."

MATTERS TO BE CONSIDERED:

1. Executive Session—8:30 to 10:00 a.m. [closed to the public].
2. Introduction 10:00 a.m. to 10:15 a.m.
3. Remarks by a representative of a White House Task Force on the Arts and Humanities—10:15 to 10:45 a.m.
4. Remarks by Elam K. Hertzler, Executive Assistant to Secretary T. H. Bell—10:45 to 11:15 a.m.
5. Minutes—11:15 to 11:25 a.m.
6. Director's Report—11:25 to 11:45 a.m.
7. Conflict of interest guidelines for NMB—11:45 to 12:00 p.m.
8. Lunch—12:00 to 1:00 p.m.
9. Museum Assessment Program—1:00 to 1:15 p.m.
10. Report of Grants Review Panel and Committee—1:15 to 4:00 p.m.
11. Program Report, including emergency grants and preliminary grant statistics—4:00 to 5:00 p.m.

CONTACT PERSON FOR MORE

INFORMATION: Kate Merlino, Executive Assistant to NMSB; Telephone: 202/426-6577.

Dated: July 15, 1981.

Kate Merlino,
 Executive Assistant, National Museum
 Services Board.

[S-1103-61 Filed 7-17-81; 8:45 am]
 BILLING CODE 4000-01-M

4

SECURITIES AND EXCHANGE COMMISSION. "FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: TO BE PUBLISHED.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, July 6, 1981.

CHANGES IN THE MEETING: Deletion/additional meeting. The following item was not considered at an open meeting scheduled for Thursday, July 16, 1981, at 10:00 a.m.

Consideration of whether to approve the selection of Donald J. Robinson as a public member of the Municipal Securities Rulemaking Board. For further information, please contact Susan J. Walters at (202) 272-2825.

The following items will be considered at a closed meeting scheduled for Thursday, July 16, 1981, following the 10:00 a.m. open meeting:

Litigation matter.
 Report of investigation.
 Institution of administrative proceeding of an enforcement nature.
 Access to investigative files by Federal, State, or Self-Regulatory authorities.
 Institution of injunctive action.
 Regulatory matter bearing enforcement implications.

Chairman Shad and Commissioners Loomis and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272-2178.

July 15, 1981.

[S-1104-61 Filed 7-16-81; 3:59 pm]
 BILLING CODE 8010-01-M

Federal Register

Monday
July 20, 1981

Part II

Department of
Education

Institutional Aid Programs

DEPARTMENT OF EDUCATION

34 CFR Parts 624, 625, 626 and 627

Institutional Aid Programs

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes regulations for the Institutional Aid Programs under Title III of the Higher Education Act of 1965, as amended. The regulations are necessary to implement the eligibility requirements and establish the application procedures and selection criteria for programs of institutional aid established by the Education Amendments of 1980. The programs provide assistance to institutions of higher education and include: the Strengthening Program, the Special Needs Program, and the Challenge Grant Program.

DATES: Comments must be received on or before September 18, 1981.

ADDRESSES: Comments should be addressed to Ms. Alfreda M. Liebermann, Chief, Policy and Planning Section, Institutional Aid Programs, U.S. Department of Education, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: Ms. Alfreda M. Liebermann. Telephone: (202) 245-2384.

SUPPLEMENTARY INFORMATION:**A. Background**

Title II Institutional Aid Programs provide financial assistance to help eligible institutions of higher education to solve problems that threaten their ability to survive and to stabilize their management and fiscal operations so that they may achieve self-sufficiency. Beginning in FY 1982 eligible institutions will be able to apply for funding under the following three new grant programs:

- *The Strengthening Program*, which provides Federal assistance to institutions to improve their academic quality, institutional management, and fiscal stability.

- *The Special Needs Program*, which provides Federal assistance to institutions with special needs to strengthen their planning, management, and fiscal capabilities.

- *The Challenge Grant Program*, which provides Federal assistance on a matching basis as an incentive for eligible institutions to seek alternative sources of funding.

These programs provide funds to plan, develop, and implement activities for: the development of academic programs and faculty; administrative

management; acquisition of equipment for use in management of funds and academic programs; joint use of facilities such as libraries and laboratories; and student services.

Federal assistance under these programs is not intended to supplement the operating expenses of grantees or to supplant what an institution would otherwise spend to carry out activities allowed under the programs. The purpose of these programs, rather, as expressed in Section 301 of the Higher Education Act, is to assist eligible institutions to carry out activities that enable them to become "viable, thriving institutions of higher education"; i.e., self-sufficient.

Thus, the Secretary provides the following:

- *Planning grants* to enable designed colleges and universities—including branch campuses that meet special eligibility requirements—to develop long-range plans for self-sufficiency if they do not already have acceptable long-range plans. Planning grants under the Strengthening Program may also be used to assist in the development of an application for a development grant.

- *Development grants* to enable designated institutions to implement their long-range plans.

In general, eligible recipients are institutions that are providing higher education to substantial numbers of persons from low-income families and that do not yet have sufficient resources to provide adequate management, improve academic programs and student services, or upgrade the quality of their faculty members.

Both two-year and four-year public and nonprofit private colleges are eligible for funding under all the programs. In addition, certain graduate schools and certain medical schools are eligible for funding under the Challenge Grant Program.

Both the Strengthening Program and Special Needs Program provide for grants to institutions in cooperative arrangements. A cooperative arrangement is an agreement under which two or more eligible institutions share or combine resources and otherwise cooperate in order to carry out the purposes of the Institutional Aid Programs more efficiently and effectively than if each institution were to conduct those activities separately.

B. Highlights of the Proposed Regulations

For each of the three new programs, these proposed regulations govern—

- a. The *eligibility* of colleges and universities to participate;

- b. The *types of awards and activities* that the Secretary funds;

- c. The contents and assessment of the *comprehensive long-range development plan*;

- d. The *number of applications*; and

- e. The *criteria and priorities* the Secretary uses in selecting grantees.

Provisions common to all three programs are contained in 34 CFR Part 624. Specific program requirements are found in 34 CFR Part 625 for the Strengthening Program; 34 CFR Part 626 for the Special Needs Program; and 34 CFR Part 627 for the Challenge Grant Program.

a. *Eligibility. General.* The Institutional Aid Programs require a two-tier application process: an application for designation by the Secretary as an eligible institution and a subsequent application for a grant.

In order to be eligible for a new grant under any of the three programs in any given year, an institution must first meet basic qualifications for participation in the programs and apply to the Secretary for designation as an eligible institution under the program or programs from which the applicant plans to seek assistance.

If the Secretary designates the institution as an eligible institution under a program for that year, the institution may then apply for a grant and compete with other institutions applying for the same type of grant under the same program.

An institution that receives a grant covering a period of more than one year must submit to the Secretary each year an assurance that it continues to meet the basic qualifications for participation in the Institutional Aid Programs.

As general basic qualifications for participation in any of the three programs, the statute requires that an institution award a degree, have been providing for five academic years an educational program legally authorized by the State in which it is located, and have been accredited for five academic years or have been making reasonable progress toward accreditation for five academic years.

Institutions must also meet the eligibility requirements specific to that program. These requirements are based, in varying degrees, on an institution's comparative standing with similar institutions in terms of having both of the following:

- A low average educational and general (E&G) expenditure per full-time-equivalent undergraduate student.

- A substantial percentage of undergraduate students receiving large average awards under the Pell Grant

Program or, in the case of the Special Needs Program, under the Pell Grant Program and other Title IV need-based student assistance programs.

An institution that is not designated as an eligible institution under a particular Institutional Aid Program may reapply for designation as an eligible institution under that program in a subsequent year.

Designation as an eligible institution does not guarantee that the Secretary will fund the institution's application. The Secretary selects grantees on the basis of the procedures, criteria, and other provisions in Subpart D of 34 CFR Part 624.

If an institution is receiving a grant of more than one year's duration under the Strengthening Developing Institutions Program (SDIP)—the predecessor of the Institutional Aid Programs—that institution is not eligible to apply for a grant under either the Strengthening Program or the Special Needs Program until the last year of its SDIP grant. The institution may, however, apply for a challenge grant during any year of its continuing SDIP grant.

Waiver of the five-year requirement. (34 CFR 624.3). The statute gives the Secretary the authority to waive the five-year requirement, regarding accreditation and the provision of an educational program, for institutions that serve substantial percentages of American Indian, Spanish-speaking, rural, or low-income students. The Secretary grants a waiver only if it will substantially increase higher educational opportunities appropriate to the needs of those persons.

This waiver is also available to institutions that traditionally have served substantial numbers of black students.

Designation of eligibility (34 CFR 625.2, 626.2, and 627.2). Once an institution meets the basic requirements for participation in the Institutional Aid Programs (34 CFR 624.2), it must meet further standards before the Secretary designates it as eligible under each of the three programs. In general, these standards are based on the following:

- An institution's enrollment of a "substantial percentage" of students who receive aid under certain specified need-based student assistance programs.
- The average amount of assistance each student receives under those programs.
- The average educational and general (E&G) expenditure by the institution per full-time-equivalent (FTE) undergraduate student.

The following is an explanation of these standards for each of the Institutional Aid Programs:

Designation of eligibility:

Strengthening Program. Under the Strengthening Program an institution seeking designation must meet three tests:

1. Its average E&G expenditure per FTE undergraduate student in the base year must be less than the average E&G expenditure per FTE undergraduate student in that year at institutions that offer similar instruction.

2. The institution must enroll a substantial percentage of students who receive Pell Grants (formerly Basic Educational Opportunity Grants).

3. The average Pell Grant received by the institution's students in the base year must be higher than the average Pell Grant received by students at comparable institutions in that year.

Under the proposed regulations the Secretary considers that an institution has a substantial percentage of Pell Grant recipients if "at least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for Pell Grants in the base year received Pell Grants in that year * * ." (34 CFR 625.2(a)(2)(i))

The base year is the year selected by the Secretary for the purpose of establishing this and certain other requirements. The Secretary announces it annually in a notice in the *Federal Register*.

For purposes of determining what constitutes an "institution that offers similar instruction" or a "comparable institution" these regulations categorize institutions in four groups:

- (1) Four-year public institutions.
- (2) Four-year nonprofit private institutions.
- (3) Public junior or community colleges including vocational or technical junior or community colleges.
- (4) Nonprofit private junior or community colleges including vocational or technical junior or community colleges.

Designation of eligibility: Special Needs Program. Under the Special Needs Program an institution seeking designation must meet four tests:

1. It must have at least 100 FTE students during the academic year in which it applies for designation.
2. Its average E&G expenditure per FTE undergraduate student in the base year must be less than the average E&G expenditure per FTE undergraduate student at institutions that offer similar instruction.
3. The institution must enroll a substantial percentage of students who

receive Pell Grants and a substantial percentage of students who receive assistance under the Campus-Based programs (Supplemental Educational Opportunity Grants Program, National Direct Student Loan Program, and College Work-Study Program). (NOTE: The Secretary has established separate percentages because the Secretary does not have data that provides an unduplicated count of students receiving Pell Grants and assistance under the Campus-Based programs.)

4. The average Pell Grant received by the institution's students in the base year must be higher than the average Pell Grant received by students at comparable institutions in that year and the average amount of assistance received by the institution's students in the base year under the Campus-Based programs must be greater than the average amount of assistance received by students under those programs at comparable institutions in that year.

Under the proposed regulations the Secretary considers that the institution has a substantial percentage of Pell Grant recipients and a substantial percentage of students receiving assistance under the Campus-Based programs if "at least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for Pell Grants in the base year received Pell Grants in that year; and at least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for student financial assistance under one or more of the Campus-Based programs (Supplemental Educational Opportunity Grants Program, National Direct Student Loan Program, and College Work-Study Program) in the base year received assistance under the Campus-Based programs in that year * * ." (34 CFR 626.2(a)(2) (i) and (ii))

As used in the Special Needs Program, the definitions of "base year," "institution that offers similar instruction," and "comparable institution" are the same as the definitions presented in the preceding description of designation of eligibility for the Strengthening Program.

Designation of eligibility: Challenge Grant Program. Under the Challenge Grant Program an institution seeking designation must have met the tests of designation under either the Strengthening Program or the Special Needs Program or, instead, meet other tests described in 34 CFR 627.2.

b. *Types of Awards and Activities. Types of grants* (34 CFR 625.10, 626.10, 627.10). Under the Strengthening

Program and Special Needs Program the Secretary awards two kinds of grants: Planning grants and development grants. Under the Challenge Grant Program the Secretary awards development grants only. Readers are advised that activities such as the Endowment Funding Plan are not authorized and, therefore, may not be funded under the Institutional Aid Programs.

c. Long-Range Plan. Because the purpose of these programs is to assist institutions to attain self-sufficiency, the statute requires that each applicant for a development grant submit a viable long-range plan directed to that purpose and acceptable to the Secretary. This must be a comprehensive plan in which the applicant describes fully its strategy for moving towards self-sufficiency (in the case of an application for a short-term development grant) or its strategy for achieving self-sufficiency (in the case of an application for a long-term development grant).

The Secretary does not award a long-term development grant unless the Secretary believes that the applicant will be able to carry out by the end of the grant period all activities—in the long-range plan—necessary to achieve self-sufficiency. These activities may include those not funded under Title III.

The required contents of a long-range plan are listed in 34 CFR 624.22.

The criterion the Secretary applies in assessing a long-range plan is found in 34 CFR 624.32 and discussed further elsewhere in this preamble.

d. Number of Applications. *Limitations on the number of applications and simultaneous funding* (34 CFR 624.35, 625.20, and 626.20). Applicants should note the following carefully:

- An applicant may receive only one planning grant.
- An applicant may not receive a planning grant and a development grant during the same year.

• All planning and development grants under the Strengthening Program (with the exception of one-to-three-year development grants), all planning and development grants under the Special Needs Program, and all development grants under the Challenge Grant Program are *one-time-only* grants. Therefore, once an institution has received a particular grant, it may not reapply for the same type of funding.

• Under the Strengthening Program an applicant may not apply in the same fiscal year for both a short-term (one-to-three-year) development grant and a long-term (four-to-seven-year) development grant.

• Except as provided in 34 CFR 624.35(d), an institution may receive only one long-term development grant.

• However, an institution may receive one long-term development grant under the Challenge Grant Program in addition to any other long-term development grant under the Strengthening Program or the Special Needs Program.

e. Criteria and Priorities Used in Selecting Grantees. Under the proposed regulations the Secretary takes a number of steps in selecting grantees:

1. The Secretary appoints a panel of readers—as described in Section 343 of the Act (Application Review Process)—to review and provide comments on each application and to assign points to the application depending on its quality.

2. (a) The readers evaluate each long-range plan on the basis of the criteria in 34 CFR 624.32. An applicant should note that submission of a long-range plan is not simply a requirement of the application process but has further ramifications with regard to the evaluation of its application. Under these proposed regulations the readers will evaluate the long-range plan as an important criterion in assessing an application for a development grant. This evaluation will be based on whether the implementation of the long-range plan is likely to enable the applicant institution to move toward or achieve self-sufficiency. If the long-range plan does not clearly indicate that the institution will move toward or achieve self-sufficiency by the end of the grant period, the Secretary does not consider the application for funding.

(b) The readers further evaluate each application on the basis of the selection criteria in 34 CFR 624.31 or 624.33, as applicable. The selection criteria are based on requirements adapted from the Education Department General Administrative Regulations (EDGAR) and on other factors necessary to implement the legislation.

3. In evaluating applications the Secretary considers the comments of the readers and the ratings recommended by them. The Secretary may also consider other appropriate information from sources such as existing public records, site visits, and external evaluation reports.

4. The Secretary totals the points each application receives for the selection criteria in 34 CFR 624.31 or 624.33, as applicable, and assigns to each application an appropriate number of points.

5. The Secretary prepares separate rank-order lists for each type of grant under each of the Institutional Aid Programs. Please note that the Secretary ranks applications from institutions that

grant bachelors' degrees together with applications from junior and community colleges.

6. Using the rank-order lists for each program, the Secretary then prepares funding-order slates for each program. The Secretary takes into consideration the funding limitations in 34 CFR 624.35, 625.20 and 626.20, as applicable.

7. Using the funding order slates the Secretary funds applications in descending order.

Other funding priorities (34 CFR 625.31 and 626.31). If a sufficient number of high quality applications is received for the following categories, the regulations provide for these statutory requirements:

• The Secretary makes available each year to two-year institutions at least 24 percent of that year's appropriation for the Strengthening Program and at least 30 percent of that year's appropriation for the Special Needs Program.

• The Secretary makes available each year for long-term (four-to-seven-year) development grants at least 25 percent of that year's appropriation for the Strengthening Program. Any of these funds that are not awarded by the Secretary in any given year may be carried over to be used for long-term development grants under this program the following year.

• Under the Special Needs Program the Secretary makes available each year to institutions that have historically served substantial numbers of black students not less than 50 percent of the amount they received under the Strengthening Developing Institutions Program in fiscal year 1979, approximately \$27,035,000.

• If the Secretary awards a multi-year grant, the funds available for each year of the grant will come from the funds appropriated for that year.

Executive Order 12291

These regulations have been reviewed by the Department in accordance with Executive Order 12291 and are classified as non-major regulations because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act

The Secretary certifies that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities. The small entities affected by these regulations are small institutions of higher education. Any significant economic impact will affect only the small proportion of small institutions of higher education that must develop a new comprehensive long-range

development plan. However, this economic impact will not be a burden to these small institutions because the Secretary awards grants to develop these plans.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments received on or before the 60th day after publication of the document will be considered in the development of the final regulations.

The Secretary particularly requests comments to be submitted as soon as possible on the proposed definition of a "substantial percentage" of recipients of need-based student assistance, as found in 34 CFR 625.2 and 626.2.

To assist the Department in complying with the special requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is especially invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

The Secretary also requests comments on whether these regulations would require institutions of higher education to transmit information that is already being gathered by or is available from any other agency or authority of the United States.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3045, ROB-3, 7th and D Streets, S.W., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance Number 84.031, the Institutional Aid Programs. Part I of OMB Circular A-95 does not apply to these programs)

Dated: July 14, 1981.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 624 of Title 34 of the Code of Federal Regulations to read as follows:

PART 624—INSTITUTIONAL AID PROGRAMS

Subpart A—General

Sec.

624.1 Institutional Aid Programs.

624.2 Eligible applicants.

624.3 Waiver of five-year requirement.

624.4 Eligible grantees.

624.5 Regulations that apply to the Institutional Aid Programs.

624.6 Definitions that apply to the Institutional Aid Programs.

Subpart B—What Kinds of Projects Does the Secretary Assist Under the Institutional Aid Programs?

624.10 Types of grants.

624.11 Planning grant.

624.12 Development grant.

624.13 Allowable activities.

Subpart C—How Does One Apply for a Grant?

624.20 Designation as an eligible applicant.

624.21 How to apply for a grant.

624.22 Long-range plan.

624.23 Applications for grants under cooperative arrangements.

624.24 Separate applications.

Subpart D—How Does the Secretary Make a Grant?

624.30 General evaluation of applications.

624.31 Selection criteria for planning grants.

624.32 Long-range plan to achieve self-sufficiency.

624.33 Selection criteria for development grants.

624.34 Grants under cooperative arrangements.

624.35 Funding relationships among grants awarded under the Institutional Aid Programs.

Subpart E—What Conditions Must a Grantee Meet?

624.40 Maintenance of eligibility.

624.41 Fiscal requirements.

624.42 Restrictions on the use of funds.

Subpart F—[Reserved]

Subpart G—What Compliance Procedures Does the Secretary Use?

624.60 Failure to maintain eligibility.

Authority: Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1051-1069c).

Subpart A—General

§ 624.1 Institutional aid programs.

(a) The Institutional Aid Programs are designed to provide Federal funds for a limited period of time to assist eligible institutions of higher education to become self-sufficient by—

(1) Solving problems that threaten their ability to survive; and

(2) Stabilizing their management and fiscal operations.

(b) The Institutional Aid Programs consist of the following:

(1) The Strengthening Institutions Program (34 CFR Part 625), referred to in

these regulations as the Strengthening Program.

(2) The Aid to Institutions with Special Needs Program (34 CFR Part 626), referred to in these regulations as the Special Needs Program.

(3) The Challenge Grant Program (34 CFR Part 627).

(20 U.S.C. 1057, 1060, 1065, 1066)

§ 624.2 Eligible applicants.

(a) In order to apply for a grant under the Institutional Aid Programs, an institution of higher education or a branch campus must first be designated by the Secretary as an eligible institution.

(b) Before applying to the Secretary for designation as an eligible institution under § 624.20, the institution must satisfy basic eligibility requirements; that is, it must be an educational institution and—

(1) Admit as regular students persons who are—

(i) High school graduates;

(ii) The recognized equivalent of high school graduates; or

(iii) Beyond the age of compulsory school attendance in the State in which the institution is located and have the ability to benefit from the training offered by the institution;

(2) Be, and have been for five academic years preceding the academic year for which it seeks assistance, legally authorized by the State in which it is located to—

(i) Provide an educational program for which it awards a bachelor's degree; or

(ii) Be a junior or community college;

(3) Be, and have been for five academic years preceding the academic year for which it seeks assistance—

(i) Accredited by a nationally recognized accrediting agency or association; or

(ii) Making reasonable progress toward accreditation according to that accrediting agency or association; and

(4) Meet specific eligibility requirements for designation in 34 CFR 625.2, 626.2, or 627.2, as appropriate.

(c) If an institution changes its status from a junior or community college to an institution that awards bachelors' degrees or *vice versa*, it may satisfy the five-year requirements of paragraphs (b) (2) and (3) of this section by combining the periods of time it qualified as either type of institution.

(20 U.S.C. 1058, 1061, 1064, and 1141)

§ 624.3 Waiver of five-year requirement.

(a) At the request of an institution, the Secretary may waive for that institution all or part of the five-year requirements

in paragraphs (b) (2) and (3) of § 624.2 if the Secretary determines that—

(1)(i) In the case of an institution located on an Indian reservation or near an Indian reservation or a substantial population of Indians, the waiver will substantially increase the higher educational opportunities appropriate to the needs of American Indians;

(ii) For purposes of paragraph (a)(1)(i) of this section, generally the Secretary considers "near" to mean within 50 miles. However, the Secretary reserves the right to adjust this on a case-by-case basis, depending on reasons stated by the applicant in its request for a waiver;

(2) Wherever the institution is located, the waiver will substantially increase higher educational opportunities for—

(i) Spanish-speaking people;

(ii) Individuals living in rural areas, whose needs are for the most part unserved by other institutions of higher education; or

(iii) Individuals whose income is below the poverty level establishing by the United States Bureau of the Census (low-income individuals); or

(3) Wherever the institution is located, the institution has traditionally served substantial numbers of black students.

(b) For purposes of this section a rural area means an area that is not included in a standard metropolitan statistical area as defined by the United States Bureau of the Census.

(c) An institution requesting a waiver under this section shall submit to the Secretary a written statement that includes sufficient information and explanations as to why the Secretary should grant the waiver.

(20 U.S.C. 1067)

§ 624.4 Eligible grantees.

(a) The Secretary awards a grant under the Strengthening Program or the Special Needs Program to—

(1) An institution the Secretary has designated as eligible; or

(2) Two or more eligible institutions under a cooperative arrangement.

(b) The Secretary awards a grant under the Challenge Grant Program to individual eligible institutions only.

(20 U.S.C. 1057, 1060, 1064 and 1069)

§ 624.5 Regulations that apply to the Institutional Aid Programs.

The following regulations apply to the Institutional Aid Programs:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions) except for 34 CFR 75.128(a)(2) and 75.129(a), in the case of applications under cooperative arrangement.

(b) The regulations in this Part 624.

(c) The regulations in 34 CFR Parts 625, 626, or 627, as applicable.

(20 U.S.C. 1221e-3(a)(1), 1057, 1060, 1064)

§ 624.6 Definitions that apply to the Institutional Aid Programs.

(a) The following terms used in this part are defined in EDGAR, 34 CFR Part 77:

Applicant
Application
EDGAR
Grant
Grant period
Grantee
Nonprofit
Private
Project
Public
Secretary
State

(b) The following definitions apply specifically to the Institutional Aid Programs:

"Academic year" means a period of time, generally eight or nine months, in which a full-time student is expected to complete—

(1) The equivalent of at least two semesters, two trimesters, or three quarters at an institution using credit hours; or

(2) At least 900 hours training for each program at an institution using clock hours.

"Activity" means a specific component of a project for which Federal funds are requested.

"Based year" means a 12-month period ending on June 30 of the year identified by the Secretary through a notice in the Federal Register.

"Branch campus."

(1) This term means, in a university or college, a unit that is—

(i) Independent of the main campus; and

(ii) Geographically apart from the main campus of the university or college.

(2) The Secretary considers a branch campus to be independent of the university's or college's main campus if the branch campus—

(i) Is separately accredited;

(ii) Is permanent in nature;

(iii) Offers courses for credit and programs leading to an associate or bachelor's degree;

(iv) Is autonomous to the extent that has its own faculty and administrative or supervisory organization; and

(v) Has its own budgetary and hiring authority.

"Comparable institutions" and "institutions that offer similar instruction" mean institutions that are being compared with an applicant

institution and that fall within one of the following four categories:

(1) Four-year public institutions.

(2) Four-year private institutions.

(3) Public junior or community colleges.

(4) Nonprofit private junior or community colleges.

"Cooperative arrangement" means an agreement between two or more eligible institutions that share and combine resources and otherwise cooperate in order to carry out the purpose of the Institutional Aid Programs more effectively and efficiently than if each institution were to conduct those activities separately.

"Educational and general (E&G) expenditures" means the total amount expended by an institution of higher education for—

(1) Instruction;

(2) Research;

(3) Public service;

(4) Academic support, including library expenditures;

(5) Student services;

(6) Institutional support;

(7) Scholarships and fellowships;

(8) Operation;

(9) Maintenance expenditures for physical plant; and

(10) Any mandatory transfers that the institution is required to pay by law.

"Full-time equivalent (FTE) undergraduate students."

(1) This term means the sum of—

(i) The number of full-time undergraduate students; and

(ii) The full-time equivalent of the number of part-time undergraduate students enrolled at the institution.

(2) The Secretary determines the full-time equivalent of the number of part-time students in paragraph (1)(ii) of this definition by—

(i) Adding the number of credit hours taken by all part-time students; and

(ii) Dividing that number by 12.

"Half-time student" means a student who is carrying a half-time academic work load as determined by the institution according to its own standards and practices. However, the institution's half-time standards must equal or exceed the equivalent of the following minimum requirements:

(1) Six semester hours or quarter hours per academic term in an institution using standard semester, trimester, or quarter systems.

(2) Twelve semester hours or 18 quarter hours per academic year for an institution using credit hours to measure progress, but not using a standard semester, trimester, or quarter system, or the prorated equivalent for a program of less than one year.

(3) Twelve clock hours per week for an institution using clock hours.

"Junior or community college" means an institution of higher education that provides an educational program—

(1) For which it does not award a bachelor's degree; but

(2)(i) That is of not less than two years' duration and is acceptable for full credit toward a bachelor's degree; or

(ii) That is a two-year program in engineering, mathematics, or the physical or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"Long-term grant" means a broad-purpose, non-renewable development grant designed to enable an institution or group of institutions to achieve self-sufficiency by the end of the grant period.

"Pell Grant" (formerly Basic Educational Opportunity Grant) means the grant awarded under Title IV-A-1 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a).

"Renewable grant" means a short-term grant for which an institution may reapply.

"Self-sufficient" means the point at which, in the determination of the Secretary, an institution should be able to survive without funding under the Institutional Aid Programs.

"Short-term grant" means a narrow-purpose, renewable development grant designed to help an institution or group of institutions move toward self-sufficiency.

"Strengthening Developing Institutions Program (SDIP)" means the program authorized under Title III of the Higher Education Act of 1965 before October 1, 1981.

(20 U.S.C. 1058, 1059, 1061, 1062, 1066, and 1069)

Subpart B—What Kinds of Projects Does the Secretary Assist Under the Institutional Aid Programs?

§ 624.10 Types of grants.

The Secretary awards two principal types of grants under the Institutional Aid Programs:

(a) Planning grants, as described in § 624.11.

(b) Development grants, as described in § 624.12.

(20 U.S.C. 1057, 1059, 1060, 1062, and 1064)

§ 624.11 Planning grant.

(a) Unless otherwise provided, a planning grant may be used for a project to develop—

(1) A long-range comprehensive development plan (long-range plan), as described in § 624.22;

(2) An application for a development grant; or

(3) A long-range plan and an application for a development grant.

(b) The Secretary does not consider awarding a planning grant to an institution—

(1) That is receiving or has received another grant under the Institutional Aid Programs; or

(2) Solely to prepare an application for a development grant under the Strengthening Program if that institution does not submit a long-range plan containing all of the elements described in 624.22.

(c) The Secretary does not consider awarding a planning grant to develop a long-range plan to a cooperative arrangement unless the purpose of the grant is to develop a separate long-range plan for each of the participating institutions.

(20 U.S.C. 1057, 1059, 1060, 1062, and 1069)

§ 624.12 Development grant.

(a) A development grant may be used for a project to implement portions of an applicant's long-range plan to enable it to move toward or achieve self-sufficiency.

(b) Under the Institutional Air Programs the Secretary does not consider awarding—

(1) A development grant to an institution if the institution received a grant under SDIP and is not in the final year of that grant; or

(2) Funds under a development grant to duplicate, in whole or in part, an activity for which the prospective grantee has received funds or is receiving funds under the Institutional Aid Programs.

(20 U.S.C. 1057, 1059, 1060, 1062, 1066, and 1069)

§ 624.13 Allowable activities.

(a) The Secretary awards grants under the Institutional Aid Programs to assist eligible institutions to plan, develop, or implement activities that the Secretary determines are likely to enable the institution to become self-sufficient.

(b) The following types of development activities are allowable:

(1) Development of faculty.

(2) Management of funds and administrative management.

(3) Development and improvement of academic programs.

(4) Acquisition of equipment for use in strengthening management of funds and in strengthening academic programs.

(5) Joint use of facilities such as libraries and laboratories.

(6) Student services.

(20 U.S.C. 1057, 1059, 1060, 1062, 1964)

Subpart C—How Does One Apply for a Grant?

§ 624.20 Designation as an eligible applicant.

(a) An institution that wishes to be designated as an eligible institution for a particular Institutional Aid Program must file with the Secretary a request for designation for that program, according to the instructions contained in an annual application notice published in the Federal Register.

(b) An institution that receives a grant for a grant period lasting more than one year shall include in its annual application for a continuation award the assurance described in § 624.40(b).

(20 U.S.C. 1058, 1061, and 1064)

§ 624.21 How to apply for a grant.

(a) *General.* In an application for either a planning grant or a development grant, an applicant shall—

(1) Explain how the grant will assist the institution to prepare for the critical financial and other problems facing it in the next decade;

(2) If it is requesting funding for more than one activity—

(i) Identify those activities that would be a sound investment of Federal funds if funded separately;

(ii) Identify those activities that would be a sound investment of Federal funds only if funded along with other activities in the application; and

(iii) Rank the activities in order of preferred funding;

(3) Submit all budgetary information the Secretary may require, including a separate detailed budget for each activity;

(4) Identify the policies and procedures it will use to ensure that any Federal funds it receives as a result of the application will be used to supplement—and not supplant—funds it would otherwise make available to carry out its long-range plan;

(5) Identify the fiscal control and accounting procedures necessary for proper disbursement of and accounting for any Federal funds it receives as a result of the application; and

(6) Provide assurance to the Secretary that it will comply with the restrictions on the use of funds specified in § 624.42 (a) through (d).

(b) *Development grant.* In an application for a development grant, an applicant shall—

(1) Include its long-range plan containing all the elements required in § 624.22;

(2) Provide information that fully addresses each component of each selection criterion in § 624.33;

(3) Identify the measurable objectives in its long-range plan that each proposed activity will help achieve; and

(4) If it is requesting a multi-year grant, explain why—

(i) A multi-year grant of that length is necessary; and

(ii) A single year grant would be inadequate.

(c) *Planning grant.* In an application for a planning grant, an applicant shall—

(1) Provide information that fully addresses each component of each selection criterion in § 624.31; and

(2) If it is requesting funding solely to develop an application for a development grant, submit a long-range plan containing all of the elements required in § 624.22.

(20 U.S.C. 1066, 1069b; 1221e-3)

§ 624.22 Long-range plan.

(a) In its comprehensive long-range development plan (referred to in these regulations as the long-range plan), an institution shall describe its strategy for achieving self-sufficiency by strengthening its—

(1) Academic quality; and

(2) Institutional management.

(b) The long-range plan must include—

(1) The institutional mission statement (that is, a broad statement of fundamental purpose that includes the social and intellectual aspirations of the institution);

(2) Long-range and short-range institutional goals;

(3) Objectives for each major unit of the institution;

(4) Time frames to achieve institutional goals and unit objectives;

(5) Resource requirements; and

(6) Evaluation strategies and performance measures.

(20 U.S.C. 1066)

§ 624.23 Applications for grants under cooperative arrangements.

(a) To apply for a grant under the Strengthening Program or the Special Needs Program, the participating institutions in a cooperative arrangement shall submit a single, collective application that includes—

(1) The information required in 34 CFR 624.21; and

(2) The names of the institutions participating in the cooperative arrangement.

(b)(1) *Development grant.* The application for a development grant under a cooperative arrangement shall—

(i) Explain the relationship of the activities for which funding is requested to—

(A) The long range plan of each participating institution; and

(B) The activities each participating institution carried out or is carrying out under a short-term development grant, if any, awarded previously under the Strengthening Program;

(ii) Explain the rationale for each participating institution's decision to request funds to carry out activities to achieve self-sufficiency as part of a cooperative arrangement rather than individually; and

(iii) Identify the activities included in any other application the cooperative arrangement or any participating institution is submitting for funding in the same fiscal year under the Institutional Aid Programs.

(2) An application may not include any activity that duplicates, in whole or part, an activity that was funded previously under the Institutional Aid Programs.

(c) *Planning grant.* The application for a planning grant under a cooperative arrangement shall explain the rationale for each participating institution's decision to request funds to develop, as appropriate, its application or its long-range plan as part of a cooperative arrangement rather than individually.

(20 U.S.C. 1069)

§ 624.24 Separate applications.

If an institution applies in the same year for both a grant as an individual institution and a grant under a cooperative arrangement, the institution shall submit as an individual institution an application that is separate from the application the cooperative arrangement submits.

(20 U.S.C. 1066 and 1221e-3)

Subpart D—How Does the Secretary Make a Grant?

§ 624.30 General evaluation of applications.

(a) The Secretary evaluates an application for a planning grant on the basis of the criteria in § 624.31.

(b) The Secretary evaluates an application for a development grant on the basis of—

(1) The appropriate criterion in § 624.32 for assessing the long-range plan to achieve self-sufficiency; and

(2) The selection criteria in § 624.33.

(c)(1) The Secretary awards up to 100 points for the criteria in § 624.31 and up to 100 points for the criteria in § 624.33.

(2) The maximum possible score for each complete criterion is indicated in parentheses following the title of that criterion.

(3) In the case of criteria worth more than 10 possible points, the maximum possible score for each component of a criterion is indicated in parentheses following that component.

(20 U.S.C. 1221e-3)

§ 624.31 Selection criteria for planning grants.

(a) *Plan of operation.* (Total: 50 points)

(1) The Secretary reviews each application for information that shows that the proposed project is likely to develop a high quality—

(i) Long-range plan;

(ii) Application; or

(iii) Long-range plan and application.

(2) The Secretary looks for information that shows—

(i) Measurable objectives appropriate to the purpose of the project (10 points); and

(ii) The quality of the project plan to achieve the objectives. The Secretary bases this assessment of quality on—

(A)(1) The implementation strategy for developing the applicant's long-range plan or application; and

(2) A realistic timetable for achieving each objective (20 points);

(B) The extent to which the applicant will use its own resources and personnel to achieve each objective (10 points); and

(C) The extent to which procedures described by the applicant in its application are likely to ensure effective administration of the proposed project (10 points).

(b) *Key personnel.* (Total: 30 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant will use to develop the long-range plan or application.

(2) The Secretary looks for information that shows—

(i) The extent to which the applicant involves a variety of its own personnel, students, and governing board members in the planning process for the project (12 points);

(ii) The qualifications of the project director (6 points);

(iii) The role of each of the other key personnel who will participate in the planning process as part of the project (6 points); and

(iv) The time that each person referred to in paragraphs (b)(2) (i) through (iii) of

this section plans to commit to the project (6 points).

(c) *Budget and cost effectiveness.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the planning process; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation design.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows the quality of the proposed evaluation design for the project.

(2) The Secretary looks for information that shows that—

(i) The methods of evaluation are appropriate for a planning process; and

(ii) The evaluation criteria are appropriate for determining success in achieving the objectives of the project.

(20 U.S.C. 1057, 1059, 1060, 1062, and 1221e-3)

§ 624.32 Long-range plan to achieve self-sufficiency

(a) The Secretary reviews each application for a development grant for information that shows whether the applicant's long-range plan provides for self-sufficiency.

(1) In the case of an application for a short-term development grant, the Secretary looks for information that shows whether implementing the long-range plan with Federal funds is likely to result in that institution *moving toward self-sufficiency* by the end of the proposed grant period.

(2) In the case of an application for a long-term development grant, the Secretary looks for information that shows whether implementing the long-range plan with Federal funds is likely to result in that institution *becoming self-sufficient* by the end of the proposed grant period.

(b) In reviewing the applicant's long-range plan the Secretary looks for information showing that—

(1) The institution identifies the major problems or deficiencies that inhibit it from becoming self-sufficient and thriving; and

(2) The institution proposes effective strategies to overcome each problem or deficiency.

Note.—Congress has determined (in section 301 of the Higher Education Act) that eligible institutions face problems that relate to declining enrollments, scarce resources, management, long-range planning, recruitment and development. Long-range

plans should address these and any other problems as applicable.

(c) The Secretary does not consider further an application for a development grant unless the applicant's long-range plan clearly meets the appropriate criterion in paragraph (a) of this section.

Note.—The Secretary does not assign points to this criterion. Rather, the Secretary determines whether or not the applicant meets the criterion.
(20 U.S.C. 1057, 1059, 1060, 1064, and 1221e-3)

§ 624.33 Selection criteria for development grants

(a) *Plan of operation.* (Total: 70 points)

(1) The Secretary reviews each application for information that shows the quality of the project's plan of operation.

(2) The Secretary looks for information that shows the following:

(i) The extent to which objectives for each activity—

(A) Address the goals in the institutional long-range plan;

(B) Are clear and specific; and

(C) Are measurable (10 points).

(ii) The quality of the project plan to achieve the objectives. The Secretary bases this assessment of quality on—

(A)(1) The implementation strategy (a complete description of what the applicant plans to do and how the applicant plans to do it) for each activity; and

(2) The extent to which achieving the objectives of the proposed activities in the project plan is likely to contribute to the achievement of self-sufficiency by the institution (30 points);

(B) A timetable for achieving the objectives of each activity (5 points);

(C) The extent to which the applicant will use its own resources and personnel to achieve each objective (15 points); and

(D) The extent to which procedures described by the applicant in its application are likely to ensure effective administration of the proposed project (10 points).

(b) *Quality of key personnel.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows the quality of key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that each person referred to in paragraphs (c)(2)(i) and (ii) of this section plans to commit to the project.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the activities of the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation design.* (Total: 10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation design for the project.

(2) The Secretary looks for information showing that proposed methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(20 U.S.C. 1057, 1060, and 1221e-3)

§ 624.34 Grants under cooperative arrangements.

(a) In considering applications from institutions that propose to carry out projects under a cooperative arrangement, the Secretary gives priority to those applications that the Secretary determines are—

(1) Geographically sound; and

(2) Economically sound.

(b) The Secretary determines that a cooperative arrangement is—

(1) Geographically sound based on the proximity of the participating institutions; and

(2) Economically sound if participating institutions demonstrate that—

(i) There is no duplication of effort among participating institutions; and

(ii) Each activity proposed in the application will be carried out more efficiently and effectively at less cost than would be possible if each participating institution were awarded a grant individually.

(c) The Secretary considers each participating institution in a cooperative arrangement to be a separate grantee for purposes of this part.

(20 U.S.C. 1089)

§ 624.35 Funding relationships among grants awarded under the Institutional Aid Programs.

(a) *Planning grants.* The Secretary awards only one planning grant to an institution under the Institutional Aid Programs.

(1) If an institution receives a planning grant under the Strengthening Program, the Secretary does not award that institution a planning grant under the Special Needs Program.

(2) Similarly, if an institution receives a planning grant under the Special Needs Program, the Secretary does not award that institution a planning grant under the Strengthening Program.

(3) The Secretary does not award a planning grant to an institution that has received or is receiving a development grant under the Institutional Aid Programs.

(b) *Development grants.* Under the Institutional Aid Programs, except as provided in paragraphs (c) and (d) of this section—

(1) An institution may receive the following:

(i) More than one short-term development grant.

(ii) During the same fiscal year, one short-term development grant individually and one short-term development grant as part of a cooperative arrangement.

(iii) Only one long-term development grant either individually or as part of a cooperative arrangement.

(iv) One long-term development grant after it has received one or more short-term development grants.

(2) An institution may not receive a short-term development grant if it has received a long-term development grant.

(3) An institution may not receive funds from more than one short-term development grant simultaneously except as provided in paragraph (b)(1)(ii) of this section.

(c) An institution may receive one long-term development grant under the Challenge Grant Program in addition to any other development grant under the Strengthening Program or the Special Needs Program.

(d) If an institution can demonstrate to the Secretary's satisfaction that extraordinary circumstances—such as a natural disaster—prevent the institution from achieving or sustaining self-sufficiency, the Secretary may award—

(1) A long-term development grant under the Special Needs Program to an institution that received a long-term development grant under the Strengthening Program, provided the institution is otherwise eligible under the Special Needs Program; or

(2) A long-term development grant under the Strengthening Program to an institution that received a long-term development grant under the Special Needs Program, provided the institution is otherwise eligible under the Strengthening Program.

(20 U.S.C. 1051-1065)

Subpart E—What Conditions Must a Grantee Meet?

§ 624.40 Maintenance of eligibility.

(a) A grantee under an Institutional Aid Program must maintain its eligibility under § 624.2(b)(1) through (3) or 34 CFR 627.2(b) or (c) for the duration of the grant period.

(b) An institution that receives a grant for a grant period lasting more than one year must annually submit to the Secretary an assurance that it continues to meet eligibility requirements under § 624.2(b)(1) through (3) or 34 CFR 627.2(b) or (c).

(20 U.S.C. 1058, 1061, and 1064)

§ 624.41 Fiscal requirements.

A grantee shall use Federal funds under the Institutional Aid Programs to supplement—and not supplant—funds the grantee would otherwise have available to plan, develop, or implement activities to become self-sufficient.

(20 U.S.C. 1066)

§ 624.42 Restrictions on the use of funds.

A grantee may not use funds under any Institutional Aid Program for any of the following:

(a) Activities other than those in its approved application.

(b) Activities that are inconsistent with any State plan of higher education applicable to the institution.

(c) Activities that are inconsistent with a State plan for desegregation of higher education, if any, applicable to the institution.

(d) A school or department of divinity or any religious worship or sectarian activity.

(e) General operating and maintenance expenses.

(f) Indirect costs.

(g) Construction costs except for minor remodeling as part of an approved activity.

(20 U.S.C. 1066, 1069b)

Subpart F [Reserved]

Subpart G—What Compliance Procedures Does the Secretary Use?

§ 624.60 Failure to maintain eligibility.

If an institution does not continue to meet the basic eligibility requirements under § 624.2(b)(1) through (3) or 34 CFR

627.2(b) or (c) during the grant period, the Secretary terminates the grant..

(20 U.S.C. 1058, 1061, and 1064)

The Secretary adds a new Part 625 to Title 34 of the Code of Federal Regulations to read as follows:

PART 625—STRENGTHENING PROGRAM

Sec.

Subpart A—General

625.1 Strengthening Program.

625.2 Designation of eligibility.

625.3 Waiver of E&G requirement.

625.4 Regulations that apply to the Strengthening Program.

Subpart B—What Kinds of Grants Does the Secretary Award Under the Strengthening Program?

625.10 Types of grants under the Strengthening Program.

625.11 Allowable activities.

Subpart C—How Does One Apply for a Grant?

625.20 Limitations on applications.

625.21 Planning grants and development grants.

Subpart D—How Does the Secretary Make a Grant?

625.30 General rules.

625.31 Funding availability.

Authority: Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1057-1059 and 1066-1069c).

Subpart A—General

§ 625.1 Strengthening program.

(a) The Strengthening Institutions Program (referred to in these regulations as the Strengthening Program) assists eligible institutions of higher education to become self-sufficient and thereby strengthen their capacity to make a substantial contribution to the higher education resources of the Nation.

(b) The program provides funds to help the institutions referred to in paragraph (a) of this section to improve their—

- (1) Academic quality;
- (2) Institutional management; and
- (3) Fiscal stability.

(20 U.S.C. 1057)

§ 625.2 Designation of eligibility.

(a) The Secretary designates an institution of higher education or a branch campus as eligible to be considered for a grant under the Strengthening Program if—

(1) It satisfies the basic institutional eligibility requirements in 34 CFR 624.2;

(2)(i) At least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for Pell

Grants in the base year received Pell Grants in that year; and

(ii) The Secretary determines that the average Pell Grant received by its students in the base year was greater than the average Pell Grant received by students at comparable institutions in that year; and

(3) The Secretary determines that the average educational and general (E&G) expenditure per full-time-equivalent (FTE) undergraduate student in the base year was less than the average E&G expenditure per FTE undergraduate student at institutions that offer similar instruction.

(b) In determining institutional eligibility, the Secretary gives the factors described in paragraphs (a)(2)(i) and (ii) of this section double the weight the Secretary gives the factor described in paragraph (a)(3) of this section.

(20 U.S.C. 1058)

§ 625.3 Waiver of E&G requirement.

(a) An institution may seek a waiver of the E&G requirement in § 625.2(a)(3) by submitting to the Secretary a written statement including information and an explanation as to why the Secretary should grant the waiver.

(b) The Secretary may waive the E&G requirement in § 625.2(a)(3) if the Secretary determines that—

(1) The institution's failure to comply with the requirement is caused by factors that distort that requirement with regard to that institution; and

(2) The institution's designation as an eligible institution for this program is consistent with the purposes of the program.

(c) Factors that the Secretary considers may distort an institution's E&G expenditures per FTE undergraduate student include, but are not limited to, the following:

- (1) Low student enrollment.
- (2) Size of the campus.
- (3) Location in an unusually high cost of living area.
- (4) High energy costs.
- (5) An increase in State funding to that institution in order to comply with a desegregation plan for higher education.

(20 U.S.C. 1067)

§ 625.4 Regulations that apply to the strengthening program.

The following regulations apply to the Strengthening Program:

- (a) The regulations in 34 CFR 624.
- (b) The regulations in this Part 625.

(20 U.S.C. 1221e-3, 1057-1059, and 1060-1069c)

Subpart B—What Kind of Grants Does the Secretary Award Under the Strengthening Program?

§ 625.10 Types of grants under the strengthening program.

Under the Strengthening Program the Secretary, subject to the provisions of 34 CFR 624.35, awards—

- (a) Planning grants;
- (b) Short-term development grants for a period of one to three years; and
- (c) Long-term development grants for a period of four to seven years.

(20 U.S.C. 1059)

§ 625.11 Allowable activities.

The Secretary considers applications for grants to carry out any of the activities listed in 34 CFR 624.13(b) or other activities that meet the purpose of this program as described in § 625.1(b).

(20 U.S.C. 1057 and 1059)

Subpart C—How Does One Apply for a Grant?

§ 625.20 Limitations on applications.

(a) Regardless of whether an institution is applying for a grant individually or as part of a cooperative arrangement, it may not apply in the same fiscal year for a short-term (one-to-three-year) development grant and a long-term (four-to-seven-year) development grant.

(b) An institution that has received a long-term development grant is ineligible to apply for another grant under this part, either individually or as part of a cooperative arrangement.

(20 U.S.C. 1057 and 1059)

§ 625.21 Planning grants and development grants.

(a) In its application for a grant under this program, an applicant shall—

- (1) Indicate whether it is applying individually or under a cooperative arrangement for—
 - (i) A planning grant;
 - (ii) A short-term (one-to-three-year) development grant; or
 - (iii) A long-term (four-to-seven-year) development grant; and
- (2) Include the applicable information required under 34 CFR 624.21 and, if appropriate, 624.23.

(b) If the application is for a planning grant, the applicant shall indicate whether it will use the grant to—

- (1) Develop its long-range plan;
- (2) Develop an application for a development grant; or
- (3) Develop both a long-range plan and an application for a development grant.

(20 U.S.C. 1059, 1066)

Subpart D—How Does the Secretary Make a Grant?

§ 625.30 General rules.

(a) Using the procedures in 34 CFR 624.30, the Secretary evaluates applications for—

- (1) Planning grants on the basis of the criteria in 34 CFR 624.31; and
- (2) Development grants on the basis of the criteria in 34 CFR 624.32 and 624.33.

(b) In the case of applications for development grants, the Secretary gives special consideration to applicants that propose to carry out the activities described in 34 CFR 624.13(b).

(20 U.S.C. 1057, 1066, and 1068)

§ 625.31 Funding availability.

(a) If sufficient high-quality applications are received, the Secretary makes available, for any fiscal year, the following:

(1) For awards to junior or community colleges, not less than 24 percent of the funds appropriated under this program.

(2) For awards for long-term development grants, not less than 25 percent of the funds appropriated under this program.

(b) Each year the Secretary announces through a notice in the *Federal Register*—

(1) The amount of funds that will be used to fund long-term development grants under this program; and

(2) The maximum amount of funds that the Secretary may award to a grantee that year for each type of grant available under this program.

(20 U.S.C. 1069c)

The Secretary adds a new Part 626 to Title 34 of the Code of Federal Regulations to read as follows:

PART 626—SPECIAL NEEDS PROGRAM

Subpart A—General

Sec.

626.1 Special Needs Program.

626.2 Designation of eligibility.

626.3 Waiver of E&G requirement.

626.4 Regulations that apply to the Special Needs Program.

Subpart B—What Kinds of Grants Does the Secretary Award Under the Special Needs Program?

626.10 Types of grants under the Special Needs Program.

626.11 Allowable activities.

Subpart C—How Does One Apply for a Grant?

626.20 Limitation on applications.

626.21 Planning grants and development grants.

Subpart D—How Does the Secretary Make a Grant?

- 626.30 General rules.
626.31 Funding availability.

Subpart E—What Conditions Must a Grantee Meet?

- 626.40 Cost sharing.

Authority: Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1060-1063 and 1066-1069c).

Subpart A—General**§ 626.1 Special needs program.**

The Aid to Institutions with Special Needs Program (referred to in these regulations as the Special Needs Program) assists institutions of higher education to become self-sufficient by strengthening their planning, management, and fiscal capabilities. (20 U.S.C. 1060)

§ 626.2 Designation of eligibility.

(a) The Secretary designates an institution of higher education or a branch campus as eligible to be considered for a grant under the Special Needs Program if—

(1)(i) It satisfies the basic institutional eligibility requirements in 34 CFR 624.2; and

(ii) In the case of a branch campus, it is located in a community different from that in which its parent institution is located;

(2)(i) At least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for Pell Grants in the base year received Pell Grants in that year;

(ii) At least 35 percent of its undergraduate students who were enrolled as at least half-time students and were eligible to apply for student financial assistance under one or more of the Campus-Based programs (Supplemental Educational Opportunity Grants Program, National Direct Student Loan Program, and College Work-Study Program) in the base year received assistance under the Campus-Based programs in that year; and

(iii) The Secretary determines that—

(A) The average Pell Grant received by its students in the base year was greater than the average Pell Grant received by students at comparable institutions in that year; and

(B) The average amount of assistance received by its students in the base year under the Campus-Based programs was greater than the average amount of assistance received by students under those programs at comparable institutions in that year;

(3) The Secretary determines that the average educational and general (E&G)

expenditure per full-time-equivalent (FTE) undergraduate student in the base year was less than the average E&G expenditure per FTE undergraduate student at institutions that offer similar instruction; and

(4) It has an enrollment of at least 100 FTE students during the academic year in which it applies for designation.

(b) In determining the eligibility of an institution, the Secretary gives the factors described in paragraph (a)(2) of this section the same weight the Secretary gives the factor described in paragraph (a)(3) of this section. (20 U.S.C. 1061)

§ 626.3 Waiver of E&G requirement.

(a) An institution may seek a waiver of the E&G requirement in § 626.2(a)(3) by submitting to the Secretary a written statement including information and an explanation as to why the Secretary should grant the waiver.

(b) The Secretary may waive the E&G requirement in § 626.2(a)(3) if the Secretary determines that—

(1) The institution's failure to comply with the requirement is caused by factors that distort that requirement with regard to that institution; and

(2) The institution's designation as an eligible institution for this program is consistent with the purposes of the program.

(c) For the purposes of paragraph (b)(1) of this section, factors that the Secretary considers may distort an institution's E&G expenditures per FTE undergraduate student include, but are not limited to, the following:

(1) Low student enrollment.
(2) Size of the campus.
(3) Location in an unusually high cost of living area.

(4) High energy costs.
(5) An increase in State funding to that institution in order to comply with a desegregation plan for higher education.

(d) For purposes of paragraph (b)(2) of this section, factors that the Secretary uses in determining whether an institution's designation as an eligible institution is consistent with the needs of this program include whether the institution has—

(1) Extreme financial limitations requiring low faculty salaries, low cost of instruction for students, and low library expenditures;

(2) Little or no endowment, whether or not unrestricted;

(3) A high student-to-faculty ratio;

(4) A substantial percentage of students receiving need-based Federal student assistance;

(5) Limited library resources;

(6) A low percentage of faculty with earned doctoral degrees;

(7) Poor physical facilities and limited resources to maintain them;

(8) Little or no support from foundations, alumni, or corporations;

(9) Limited or no sponsored research or faculty publications;

(10) An inadequate development office and a limited capacity for long-range planning; and

(11) Poor or inadequate fiscal management and accounting procedures.

(20 U.S.C. 1061 and 1067)

§ 626.4 Regulations that apply to the special needs program.

The following regulations apply to the Special Needs Program:

(a) The regulations in 34 CFR Part 624.

(b) The regulations in this Part 626.

(20 U.S.C. 1060-1063, 1066-1069c, and 1221e-3)

Subpart B—What Kinds of Grants Does the Secretary Award Under the Special Needs Program?**§ 626.10 Types of grants under the special needs program.**

Under the Special Needs Program the Secretary, subject to the provision of 34 CFR 624.35, awards—

(a) Planning grants for a period of one year; and

(b)(1) Long-term development grants for a period of one to five years; or

(2) Long-term development grants for a period of one to four years, in the case of an institution that has previously received a planning grant under this program.

(20 U.S.C. 1062)

§ 626.11 Allowable activities.

(a) Planning grants may be used only to develop a long-range plan as described in 34 CFR 624.22.

(b) Development grants may be used only to carry out the activities listed in 34 CFR 624.13(b).

(20 U.S.C. 1060 and 1062)

Subpart C—How Does One Apply for a Grant?**§ 626.20 Limitation on applications.**

An institution that has received a long-term development grant may not apply for another grant under this part, either individually or as part of a cooperative arrangement.

(20 U.S.C. 1060 and 1062)

§ 626.21 Planning grants and development grants.

In its application for a grant under this program, an applicant shall—

(a) Indicate whether it is applying individually or as part of a cooperative arrangement for—

- (1) A planning grant; or
 - (2) A long-term development grant;
- (b) Include the applicable information required under 34 CFR 624.21; and

(c) In the case of an application for a development grant, provide assurances to the Secretary that it has the fiscal resources to pay for its share of assistance beyond the second year.

(20 U.S.C. 1060, 1062, and 1066)

Subpart D—How Does the Secretary Make a Grant?

§ 626.30 General rules.

Using the procedures in 34 CFR 624.30, the Secretary evaluates applications for—

- (a) Planning grants on the basis of the criteria in 34 CFR 624.31; and
 - (b) Development grants on the basis of the criteria in 34 CFR 624.32 and 624.33.
- (20 U.S.C. 1060, 1066, and 1068)

§ 626.31 Funding availability.

(a) If sufficient high-quality applications are received, the Secretary makes available, for any fiscal year, the following:

(1) For awards to junior or community colleges with special needs, not less than 30 percent of the funds appropriated under this program.

(2) For awards to institutions with special needs that have historically served substantial numbers of black students, not less than 50 percent of the amount received by those institutions under the Strengthening Developing Institutions Program (SDIP) for fiscal year 1979. This amount is approximately \$27,000,000 dollars.

(b) The Secretary considers institutions that have historically served substantial numbers of black students to be those identified by the National Center for Education Statistics in its publication entitled "Traditionally Black Institutions: A Profile and an Institutional Directory."

(c) Each year the Secretary announces through a notice in the Federal Register the maximum amount of funds that the Secretary may award to a grantee that year for each type of grant available under this program.

(20 U.S.C. 1069c)

Subpart E—What Conditions Must a Grantee Meet?

§ 626.40 Cost sharing.

The Secretary pays the entire cost of any grant for the first two years of assistance under this program. After that the Secretary pays—

(a) Ninety percent of the cost in the third year;

(b) Eighty percent of the cost in the fourth year; and

(c) Seventy percent of the cost in the fifth year.

(20 U.S.C. 1063)

The Secretary adds a new Part 627 to Title 34 of the Code of Federal Regulations to read as follows:

PART 627—CHALLENGE GRANT PROGRAM

Subpart A—General

Sec.

627.1 Challenge Grant Program.

627.2 Eligible applicants.

627.3 Regulations that apply to the Challenge Grant Program.

Subpart B—What Kind of Grant Does the Secretary Award under the Challenge Grant Program?

627.10 Type of grant under the Challenge Grant Program.

627.11 Allowable activities.

Subpart C—How Does One Apply for a Grant?

627.20 General.

Subpart D—How Does the Secretary Make a Grant?

627.30 Evaluation of applications.

627.31 Evaluation of applications for continuation awards.

Subpart E—What Conditions Must a Grantee Meet?

627.40 Matching requirements.

Authority: Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1064-1069c).

Subpart A—General

§ 627.1 Challenge Grant Program.

The Challenge Grant Program provides Federal financial assistance as an incentive for eligible institutions of higher education to seek alternative sources of funding to become self-sufficient.

(House Report 96-520, 96th Cong. 1st Sess., pp. 16-17, (1979))

§ 627.2 Eligible applicants.

(a) An institution of higher education or a branch campus is eligible to apply for a grant under the Challenge Grant Program if—

(1) The Secretary has designated it as an eligible institution under the Strengthening Program (34 CFR 625.2) of Special Needs Program (34 CFR 626.2); or

(2) The Secretary has designated it as an eligible institution under paragraph (b) or (c) of this section.

(b) The Secretary designates an institution of higher education as eligible

to be considered for a grant under this program if that institution—

(1) Does not award a bachelor's degree; but

(2) Is, and has been for the five academic years preceding the academic year for which it seeks assistance, legally authorized by the State in which it is located to provide an educational program for which it awards a graduate, postgraduate, or professional degree;

(3) Awards a graduate, postgraduate, or professional degree;

(4) Satisfies the requirements of 34 CFR 624.2, other than the requirement of § 624.2(b)(2); and

(5) Would have qualified as an eligible institution under 34 CFR 625.2 or 626.2 if the requirement of 34 CFR 624.2(b)(2) were disregarded.

(c) The Secretary designates an institution of higher education as eligible to be considered for a grant under the this program if that institution—

(1) Is not a junior or community college; and

(2) Does not award a bachelor's, graduate, postgraduate, or professional degree; but

(3) Is, and has been for five academic years, preceding the academic year for which it seeks assistance, legally authorized by the State in which it is located to provide a medical education program;

(4) Makes a substantial contribution to medical education opportunities for minorities and the economically disadvantaged;

(5) Satisfies the requirements of 34 CFR 624.2, other than the requirement of § 624(b)(2); and

(6) Would have qualified as an eligible institution under 34 CFR 625.2 or 626.2 if the requirement of § 624.2(b)(2) were disregarded.

(20 U.S.C. 1064)

§ 627.3 Regulations that apply to the challenge grant program.

The following regulations apply to the Challenge Program:

(a) Unless otherwise indicated, the regulations in 34 CFR Part 624.

(b) The regulations in this Part 627.

(c) Applicable provisions of 34 CFR Parts 625 and 626.

(20 U.S.C. 1221e-3(a)(1), 1064)

Subpart B—What Kind of Grant Does the Secretary Award Under the Challenge Grant Program?

§ 627.10 Type of grant under the challenge grant program.

(a) Under the Challenge Grant Program the Secretary, subject to the applicable provisions of 34 CFR 624.35,

awards one development grant to an applicant for a period of up to five years.

(b) The Secretary does not award planning grants under this program.

(c) The Secretary may award a grant under this program to an institution that is simultaneously receiving funds or has previously received funds under—

(1) The Strengthening Developing Institutions Program (SDIP); or

(2) A development grant under the Strengthening Program or the Special Needs Program.

(20 U.S.C. 1064 and 1065)

§ 627.11 Allowable activities.

(a) If an institution qualifies for a grant on the basis of being designated by the Secretary as eligible under the Strengthening Program, as described in 34 CFR 625.2, it may use its grant to carry out only those activities authorized under the Strengthening Program (see 34 CFR 625.11).

(b) If an institution qualifies for a challenge grant on the basis of being designated by the Secretary as eligible under the Special Needs Program, as described in 34 CFR 626.2, it—

(1) May use its grant to carry out only the activities authorized under the Special Needs Program (see 34 CFR 626.11); and

(2) Must use those funds for the purpose of—

(i) Achieving greater financial independence; and

(ii) Eradicating the applicable conditions—

(A) Listed in 34 CFR 626.3(d); and

(B) Discussed in the application for funds, as required in § 627.20(a)(2).

(20 U.S.C. 1064 and 1065)

Subpart C—How Does One Apply for a Grant?

§ 627.20 General.

(a)(1) In its application for funding, an institution shall include the information required under 34 CFR 624.21.

(2) In the case of an applicant that qualifies under this part on the basis of being designated an eligible institution under the Special Needs Program, the applicant shall discuss, in its application, those factors listed in 34 CFR 626.3(d) that are characteristic of its status as an institution with special needs.

(b) In its application for funding, an institution shall also include the following:

(1) Evidence that the institution's matching funds are available at the time it submits its application. The applicant may satisfy this requirement by—

(i) Providing a list of the source(s) and the amount of funds each source is contributing for each year of the grant period; and

(ii) Including a letter of commitment from each source listed.

(2) An assurance that all matching funds will be—

(i) From new sources previously unavailable to the institution; and

(ii) Used to carry out those portions of the institution's long-range plan for which funds are being requested under this part.

(c) If an applicant is a public institution, it shall include in its application—

(1) The comments of the appropriate State agency responsible for higher education in its State; or

(2) A statement that the institution requested the State agency to comment and the agency failed to comment.

(20 U.S.C. 1065, 1066, and House Report 96-520, 96 Cong. 1st Sess., p. 16 (1979))

Subpart D—How Does the Secretary Make a Grant?

§ 627.30 Evaluation of Applications.

(a) Using the procedures in 34 CFR 624.30, the Secretary evaluates applications on the basis of the criteria in 34 CFR 624.32 and 624.33.

(b) In awarding grants under this part, the Secretary gives preference to applications from institutions that are receiving, or have received, grants under the Strengthening Program or Special Needs Program.

(20 U.S.C. 1065)

§ 627.31 Evaluation of applications for continuation awards.

In evaluating an institution's application for a continuation award, the Secretary looks for evidence that its matching funds are available at the time it submits its application.

(20 U.S.C. 1065)

Subpart E—What Conditions Must a Grantee Meet?

§ 627.40 Matching requirements.

A grantee must match, on a dollar-for-dollar basis from new non-Federal sources, the funds it receives under this program.

(20 U.S.C. 1065)

[FR Doc. 81-21132 Filed 7-17-81; 8:45 am]

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**Monday
July 20, 1981**

Part III

Department of Education

**Library Research and Demonstration
Program (Title II-B HEA)**

DEPARTMENT OF EDUCATION

34 CFR Part 777

Library Research and Demonstration Program (Title II-B HEA)

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations for the Library Research and Demonstration Program. The prior regulations are amended to reflect the statutory changes contained in the Education Amendments of 1980 (Pub. L. 96-374), to incorporate the general selection criteria in the Education Department General Administrative Regulations (EDGAR), and to reflect administrative experience.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the *Federal Register* (September 3, 1981). If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the *Federal Register* stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Henry Drennan, Library Research and Demonstration Branch, U.S. Department of Education, (Room 3319-A, ROB-3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-2993.

SUPPLEMENTARY INFORMATION:**A. Background**

The Library Research and Demonstration Program awards and administers grants and contracts for research and demonstration projects to improve libraries, including the promotion of economical and efficient information delivery, cooperative efforts related to librarianship, and developmental projects; to improve training in librarianship; to improve information technology; and to disseminate information that is derived from Library Research and Demonstration Program projects. Regulations were previously issued on May 17, 1974, 39 FR 17546, and amended February 6, 1976, 41 FR 5393, to implement the Library Research and Demonstration portion of Title II-B of the Higher Education Act 1965, Pub. L. No. 89-329, as amended. A proposed revision of the 1974 regulations was published in the *Federal Register* on December 30, 1980, 45 FR 86312, for public comment.

The most significant changes from the current regulations are the following:

(a) The selection criteria for judging applications emphasize and clarify the following criteria: plan of operation, quality of key personnel, and significance of the proposed project. Based on program experience, weights have been assigned to provide proper balance to the criteria.

(b) The purpose of the program has been expanded to include the promotion of economical and efficient information delivery, the promotion of cooperative efforts related to librarianship, the support of developmental projects, and the improvement of information technology.

(c) Eligibility for grants and contracts is expanded to include profit-making organizations, agencies, and institutions. A different set of regulations apply to contracts made under this program. (See EDGAR, 34 CFR 75.4 Education Department contracts.)

(d) Quarterly reports are no longer required of a grantee. Only an annual performance report must be submitted. (See EDGAR, 34 CFR 75.720 Performance reports.)

The regulations in this part will be codified in Title 34 of the Code of Federal Regulations. That title currently encompasses most Department of Education regulations.

B. Public Comments on the NPRM

The following comments were received on the NPRM:

Comment: One commenter expressed concern "that the transferral of the program purposes from a single integrated paragraph of the law (section 223) to a separate listing of program purposes or authorized activities, as is done in §§ 777.1 and 777.10 [of the regulations], may cause confusion."

Response: No change has been made. The Secretary believes that the separate statement of program purposes and authorized activities will aid applicants as they prepare their applications.

Comment: One commenter maintained that the terms "The improvement of information technology," as used in § 777.1 and "Information technology," as used in § 777.10 are too broad, and would modify each by adding the words: "as it relates to libraries."

Response: No change has been made. The regulatory provision follows the statutory language.

Comment: One commenter believed that research, development, and demonstration activities in the statute should be included in the regulations; that dissemination of information derived from such projects should be included in the program purposes; and that §§ 777.1 and 777.10 should be more consistent.

Response: A change has been made. The commenter's suggestions have been adopted.

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations.

CITATION OF LEGAL AUTHORITY: A citation of statutory or other legal authority has been placed in parentheses on the line following each provision.

Dated: July 14, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.039, Library Research and Demonstration Program)

The Secretary revises Part 777 of Title 34 of the Code of Federal Regulations to read as follows:

PART 777—LIBRARY RESEARCH AND DEMONSTRATION PROGRAM**Subpart A—General**

Sec.

777.1 The Library Research and Demonstration Program.

777.2 Eligible parties.

777.3 Regulations that apply to this program.

777.4 Definitions that apply to this program.

Subpart B—Kinds of Projects the Secretary Assists Under This Program

777.10 Authorized activities.

Subpart C—How To Apply for a Grant

777.20 Application requirements.

Subpart D—How the Secretary Makes a Grant

777.30 How the Secretary judges applications.

777.31 Selection criteria for evaluating applications.

Subpart E—Conditions That Must Be Met by a Grantee

777.40 Coordination with other groups.

Authority: Part B of Title II of the Higher Education Act of 1965, as amended by the Education Amendments of 1980 (Pub. L. 96-374), 94 Stat. 1383 (20 U.S.C. 1021 *et seq.*).

Subpart A—General**§ 777.1 The Library Research and Demonstration Program.**

The Library Research and Demonstration Program encourages research, development, and demonstration activities relating to—

(a) The improvement of libraries, including—

- (1) The promotion of economical and efficient delivery of information;
- (2) Cooperative efforts; and
- (3) Developmental projects.
- (b) The improvement of information technology.
- (c) Training in librarianship.
- (d) The dissemination of information derived from these projects.

(Secs. 201, 223 of the Act; 20 U.S.C. 1021, 1033)

§ 777.2 Eligible parties.

An application for assistance under this program may be submitted by—

- (a) An institution of higher education.
- (b) A public or private agency, institution, or organization.

(Sec. 223 of the Act; 20 U.S.C. 1033)

§ 777.3 Regulations that apply to this program.

The following regulations apply to grants under the Library Research and Demonstration Program:

(a) The Education Department General Administration Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(b) A different set of regulations apply to contracts made under this program. (See EDGAR, 34 CFR 75.4 Education Department contracts).

(20 U.S.C. 3474)

§ 777.4 Definitions that apply to this program.

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77:

Applicant
Application
Award
Budget
Department
EDGAR
Equipment
Facilities
Grant
Grantee
Private
Project
Public
Secretary
Supplies

(b) *Definitions that apply to this part.* The following definitions apply to this part:

"Act" means the Higher Education Act of 1965, as amended.

"Institution of higher education" means the type of institution defined by Section 1201 of the Act.

"Librarianship" means the principles and practices of the library and information science, including the acquisition, organization, storage, retrieval and dissemination of

information, and reference and research use of library and other information resources.

(20 U.S.C. 1141; 3474)

Subpart B—Kinds of Projects the Secretary Assists Under This Program

§ 777.10 Authorized activities.

(a) The Secretary may award a grant for a project that supports research, development, demonstration, or any combination of these, related to—

- (1) The improvement of libraries through—
 - (i) The promotion of economical and efficient delivery of information;
 - (ii) Cooperative efforts; and
 - (iii) Developmental projects;
- (2) Training in librarianship;
- (3) Information technology; and
- (4) The dissemination of information derived from a project funded under this program.

(b) A project that includes any one or more of the activities described in § 777.10(a) may be supported under this program.

(Sections 201, 223 of the Act; 20 U.S.C. 1021, 1033)

Subpart C—How To Apply for a Grant

§ 777.20 Application requirements.

An applicant shall demonstrate, in its application, that the project meets the requirements of the Act and all applicable regulations.

(Section 223 of the Act; 20 U.S.C. 1033)

Subpart D—How the Secretary Makes a Grant

§ 777.30 How the Secretary judges applications.

(a) The Secretary evaluates an application on the basis of the criteria in § 777.31 and awards up to 100 points for these criteria.

(b) The maximum possible score for each criterion is indicated in parentheses next to the heading of that criterion.

(20 U.S.C. 3474)

§ 777.31 Selection criteria for evaluating applications.

(a) *Plan of operation.* (25 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

- (i) High quality in the design of the project;
- (ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

- (A) Members of racial or ethnic minority groups;
- (B) Women;
- (C) Handicapped persons; and
- (D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

- (i) The qualifications of the project director (if one is to be used);
- (ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2)(i) and (b)(2)(ii) will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

- (A) Members of racial or ethnic minority groups;
- (B) Women;
- (C) Handicapped persons; and
- (D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

- (i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the

project. Cross-reference.—See 34 CFR 75.590 Evaluation by the grantee.

(2) the Secretary looks for information that shows methods of evaluation that are appropriate for the project, and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Significance of proposed project.* (30 points)

The Secretary reviews each application for information that shows the extent to which—

(1) The proposed research, development, or demonstration (or any combination) activities—

(i) Address an important library or information problem;

(ii) Are likely to improve operations or service in a significant number of libraries; or

(iii) Are likely to fulfill unmet informational, educational, or cultural needs related to libraries and information science.

(2) The applicant demonstrates an understanding of the nature and magnitude of the needs to be addressed, as well as the success or failure of related research, development, or demonstration activity.

(g) *Dissemination and continuation.* (5 points)

The Secretary reviews each application for information that shows that—

(1) The results of the project will be adequately disseminated or replicated; and

(2) To the extent possible, the project results will be implemented or continued after the termination of Federal funding.

(20 U.S.C. 1033; 3474)

Subpart E—Conditions That Must Be Met by a Grantee

§ 777.40 Coordination with other groups.

An institution of higher education that receives a grant under this part shall annually inform the State agency, designated under Section 1203 of the Act, of its project activities.

(Section 202 of the Act; 20 U.S.C. 1022)

[FR Doc. 81-21133 Filed 7-17-81; 8:45 am]

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Part IV

Department of Transportation

Office of the Secretary

**Nondiscrimination on the Basis of
Handicap; Interim Final Rule and Request
for Comments**

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 27

[Docket No. 56A; Amdt. No. 1]

Nondiscrimination on the Basis of Handicap

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Interim final rule and request for comments.

SUMMARY: This interim final rule amends the Department's regulation concerning nondiscrimination on the basis of handicap in programs and activities receiving financial assistance from the Department of Transportation. The amendment deletes Subpart E of the regulation, which required mass transit systems to become accessible to handicapped persons. A recent Federal court decision held that section 504 of the Rehabilitation Act of 1973 did not authorize this requirement. The Department is seeking comments on how it should carry out section 504 and other applicable statutes with respect to mass transit services for handicapped persons in light of the court's decision. Meanwhile, the Department in this interim amendment is adding a new section to the regulation which requires mass transit operators receiving financial assistance from the Department to certify that they are making special efforts to provide transportation that handicapped persons can use.

DATE: This regulation is effective July 20, 1981.

Comments are due September 18, 1981.

ADDRESSES: Comments should be sent to: Docket Clerk (Docket No. 56A), 400 Seventh Street, SW., Room 10421, Washington, D.C. 20590. Comments are available for public examination at that address Monday through Friday from 9:00 a.m. to 5:30 p.m. Persons wishing to have receipt of their comments acknowledged must send a stamped, self-addressed post card with their comments. The docket clerk will return those post cards when the comments are docketed.

Comment closing date: (60 Days from Date of Publication).

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4723.

SUPPLEMENTARY INFORMATION:
Background

Before the publication of the Department of Transportation's present regulation concerning nondiscrimination on the basis of handicap (49 CFR Part 27; 44 FR 31442, May 31, 1979), mass transit operators receiving financial assistance through the Urban Mass Transportation Administration (UMTA) were required to make special efforts to provide transportation that handicapped persons can use. (Wherever the term "handicapped persons" is used, elderly persons who are handicapped by reason of age are intended to be included.) UMTA regulations (49 CFR Part 609; 49 CFR § 613.204 and the appendix to that section) permitted operators substantial flexibility in deciding how to meet this requirement. The UMTA regulations implemented section 504 of the Rehabilitation Act of 1973, sections 3, 5, and 16 of the Urban Mass Transportation Act of 1964, as amended, and section 165(b) of the Federal-Aid Highway Act of 1973.

In response to a question by a commenter who asked whether these UMTA regulations were being withdrawn, the preamble to the Department's present regulation (44 FR 31454) stated that 49 CFR Part 27 "supersedes the existing UMTA regulations." That is, 49 CFR Part 27's requirements with respect to the purchase of lift-equipped buses, retrofitting of rail mass transit systems, and other accessibility modifications of transit programs went well beyond the steps required by the UMTA rules. However, the UMTA regulations were never withdrawn, and remain a part of the Code of Federal Regulations.

The mass transit portion (Subpart E) of 49 CFR Part 27 has always been very controversial. Operators of existing rail transit systems projected extremely high costs for retrofitting their systems with station elevators and other accessibility modifications. Many transit operators and local officials asserted that purchasing lift-equipped buses was a too costly and insufficiently effective way of providing transportation services to handicapped persons. While some transit systems began to implement accessibility programs for their bus systems, many others asked for exemptions from the rule's requirements so that they could implement their own "local option" services for handicapped persons.

In 1980, several measures were introduced in Congress to permit local option. The House and the Senate each passed a version of local option legislation. Because the legislative session ended before Congress could

agree on the provisions of a mass transit bill, this legislation was not enacted. The Department of Transportation Appropriations Act for Fiscal Year 1981 (Pub. L. 96-400) did contain two general provisions limiting the Department's authority to carry out 49 CFR Part 27, however. One provision prohibited the expenditure of funds appropriated under the Act to retrofit existing rail systems. The other prohibited the Department from expending funds appropriated under the Act to enforce its bus accessibility requirements with respect to any transit system that had submitted and had won approval of an alternative service plan meeting the requirements of the Senate-passed local option legislation.

Early in this Administration, the Department identified its accessibility requirements as requiring priority review and began that review. The Presidential Task Force on Regulatory Relief, headed by Vice-President Bush, also identified the mass transit requirements of 49 CFR Part 27 as one of the Federal government's costly and controversial regulations deserving priority review. The Task Force is one of the Administration's mechanisms for implementing the key Administration policy of reducing costly and inflexible regulatory demands on local governments and other affected parties. As a result of this review, the Department established a clear policy on this issue: ensuring the provision of transportation that handicapped persons can use is an obligation of recipients of Federal assistance for mass transit, but the major responsibility for deciding how this transportation is to be provided should be returned to local communities. Both our legislative proposal and regulatory changes are based on this policy.

The Administration has submitted to Congress a proposal (section 108 of S. 1160, a bill "To amend the Urban Mass Transportation Act of 1964 to provide authorizations for appropriations and for other purposes") to permit UMTA recipients to certify that they had developed and implemented a program of transportation services for handicapped persons. While this rulemaking provides a mechanism to ensure compliance with section 504, section 16(a), and section 165(b), the Administration's legislative proposal is still necessary as a means of creating a uniform Federal standard cutting across all related Federal requirements. It is also necessary in order to develop a local option process that goes beyond current law.

The Court Decision

The American Public Transit Association (APTA) and several of its members sued the Department of Transportation in June 1979, alleging that Subpart E exceeded the Department's authority and was arbitrary and capricious. The Federal District Court for the District of Columbia upheld the rule (*American Public Transit Association v. Goldschmidt*, 485 F. Supp. 811 (D.D.C., 1980)). The United States Court of Appeals for the District of Columbia Circuit reversed the District Court's decision (*American Public Transit Association v. Lewis*, No. 80-1497, May 26, 1981).

The Court of Appeals held that under section 504, a transit authority might be required to take "modest, affirmative steps to accommodate handicapped persons" in order to avoid discrimination which the statute prohibits. Slip op. at 12. However, in the Court's view, Subpart E required extensive and costly affirmative action efforts to modify existing systems, and, therefore, exceeded the authority provided by section 504. The Court said section 504 was a nondiscrimination statute that did not mandate this degree of affirmative action.

While the Court said that section 504 did not authorize the Department's regulatory requirements for mass transit, the Court did not void the regulation. Rather, the Court remanded the regulation to the Secretary for a determination of whether other statutory authorities on which the Department had also relied in promulgating the regulation—sections 3, 5 and 16 of the Urban Mass Transportation Act and section 165(b) of the Federal-Aid Highway Act of 1973, as well as other statutory provisions—provided a proper statutory basis for the regulatory requirements in the absence of authorization by section 504. It should be pointed out that the Court's decision directly affects only Subpart E of 49 CFR Part 27; no other portion of the regulation was at issue in the case.

The Interim Amendment

In connection with its ongoing review of 49 CFR Part 27, as well as in response to the Court's decision, the Department is considering what regulatory requirements it should impose in the mass transit area to carry out the nondiscrimination requirement of section 504, the special efforts requirement of section 16, and the requirements of section 165(b). This process is not complete. Because of the change in the legal situation brought

about by the Court's decision, and the necessity for transit operators to know the rules under which they must operate, the Department has decided to issue an interim final rule, effective immediately. Doing so will avoid the uncertainty that otherwise would cause problems for the numerous transit authorities that are in the process of ordering or preparing to take delivery on buses and rail cars.

For an interim rule, the Department has decided to require recipients to certify that special efforts to provide transportation that handicapped persons can use are being made in their service area. The content of these special efforts for all but section 18 recipients may be understood by reference to Appendix A to this Part. This appendix is a slightly modified version of a key part of the 1976 UMTA special efforts regulations.

There are a number of reasons for this choice. First, the guidance set forth in the appendix has been in existence in essentially the same form since 1976, and most UMTA grantees have operated under it in the past. Consequently, both UMTA and the grantees have considerable familiarity with it, and it will not be necessary to have a lengthy shakedown period, as there might be if the Department drafted a new rule as its interim measure. Second, it is important that the Department publish an interim regulation promptly, in order to avoid confusion and disruption in the procurement, planning, and operations functions of recipients. Using this appendix, which is derived from an appendix which was never withdrawn from the UMTA special efforts regulation, will make it unnecessary to take the time to develop a completely new regulation. Third, the guidance in the appendix appears to provide for a reasonable level of service to handicapped persons, sufficient as an interim measure to meet the requirements of section 504 (as understood in light of the Court's decision in *APTA v. Lewis*), section 16 (a) of the Urban Mass Transportation Act, and section 165(b) of the Federal-Aid Highway Act of 1973. Fourth, revival of the guidance in the appendix as an interim measure has the explicit support of the transit industry, which has consistently supported the special efforts/local option approach that these regulations take, as has a portion of the handicapped people's community.

One important change is being made to the original appendix. The Department wants to maintain a level of effort under this interim rule equivalent to that maintained under the 1976 rules when they were actively being implemented. To take into account the

effects of changes in the structure and funding level of the UMTA section 5 grant program, as well as the effects of inflation, the example of acceptable special efforts in the appendix calling for the expenditure of the equivalent of a minimum of five percent of a recipient's section 5 funding is being amended to call for the expenditure of the equivalent of a minimum of three and one-half percent of this funding. Three and one-half percent of contemporary section 5 funding, in real dollar terms, is essentially equivalent to five percent of section five funding in Fiscal Year 1977, the first full fiscal year in which the 1976 UMTA regulations were in effect.

Recipients in service areas where special efforts consistent with the guidance in Appendix A are being made are regarded as meeting the terms of their certification and, therefore, as in compliance with this regulation.

The provision on special efforts for section 18 recipients is adapted from the existing section 18 regulation (23 CFR Part 825, Appendix A, Para. 5(b)). The obligations of section 18 recipients will in general not change as the result of this interim rule, except that section 18 recipients will be required to make a certification.

Section-by-Section Description

The interim regulation deletes the entire Subpart E of 49 CFR Part 27, and substitutes for it a new section 27.77 in Subpart D. In addition to the substantive changes discussed below, the rule makes a few technical conforming amendments. The rule deletes references to Subpart E in the Table of Contents to the entire regulation and in sections 27.61, 27.65 and 27.67. The rule also deletes several definitions that were used only in Subpart E. The title of Subpart D is changed to include mass transit, since the new mass transit section is being placed in that subpart.

Subsection (a) of the new section 27.77 establishes a system through which recipients can meet their obligations for ensuring the provision of transportation that handicapped persons can use. Under paragraph (a)(1), recipients under sections 3 and 5 are required to certify that special efforts are being made in their service area to provide transportation that handicapped persons can use. These special efforts must be made in a manner consistent with Appendix A to this Part. Appendix A is a slightly modified version of the Advisory Information Appendix to 49 CFR Part 613, Subpart B. Actions consistent with the guidance in that

appendix are sufficient to meet the requirements of this section.

An Appendix B has also been added to this Part. This Appendix is also a slightly modified version of another appendix; it is derived from an Advisory Information Appendix to 23 CFR Part 450, Subpart A. It provides advisory information for planning transportation that handicapped persons can use.

Subsection (a)(2) provides that section 18 recipients must certify that special efforts are being made in their service area to provide transportation that handicapped persons can use, that is reasonable in comparison to the service provided to the general public, and that meets a significant fraction of the transportation needs of such persons. The language of this special efforts requirement for section 18 recipients derives from the existing section 18 regulation (23 CFR 825.1, Appendix A, paragraph 5(b); 43 FR 58308, December 13, 1978). The obligations of section 18 grantees are not generally intended to change as a result of this regulation.

In making the certifications under Paragraphs (a)(1) and (a)(2), recipients may use the following certification. Whether or not a recipient uses the model language provided below, an appropriate certification must be executed by an official authorized by the recipient to make such certifications.

Certification of Special Efforts To Provide Transportation That Handicapped Persons Can Use

(Insert name of recipient) hereby certifies that special efforts are being made in its service area to provide transportation that handicapped persons, including wheelchair users and semiambulatory persons, can use. For recipients of funds under sections 3 and 5 of the Urban Mass Transportation Act of 1964, as amended (UMT Act), these special efforts (1) are consistent with the guidance in Appendix A to 49 CFR Part 27, Subpart D and (2) are already made or will be made within six months of the effective date of 49 CFR 27.77. For recipients of funds under section 18 of the UMT Act, the transportation resulting from these special efforts is reasonable in comparison to the transportation provided to the general public and meets a significant fraction of the actual transportation needs of such persons within a reasonable time.

(Signature) _____
(Name and title of signer) _____
(Date) _____

Paragraph (a)(3) establishes the timing of the certification process. A recipient that has a program meeting the criteria of the section can make the certification as soon as it wants to, so long as it can do so honestly (a knowing and willful false certification by a recipient could violate a Federal criminal statute, 18 U.S.C. 1001). A current recipient or applicant under section 3, 5, or 18 must

make its first certification within 60 days of the effective date of this amendment. Certifications should be sent to the UMTA Regional Administrator or, for section 18 recipients or applicants, to the FHWA Division Administrator through the designated section 18 state agency. Grant applications submitted after the effective date of this amendment must include a certification or incorporate a prior certification by reference.

During the first six months after this section becomes effective, applicants and recipients may certify that their areas *will* make special efforts conforming to the requirements of this section by six months from the section's effective date. This provision is intended to allow the appropriate certification to be made by recipients, committing them to ensuring that appropriate special efforts are made in their area in cases where a start-up period is needed to bring these efforts up to the level called for by this section.

With respect to buses which are in a previously approved UMTA grant but which have not been delivered to the transit operator, UMTA will not require a prior grant amendment or a public hearing prior to acquiring buses without wheelchair lifts. Where a change to a third-party contract is required, UMTA's normal third-party contracting procedures should be followed. Before attempting to acquire such buses without lifts, transit operators should definitely be prepared to satisfy the special efforts requirement of § 27.77(a)(1) in a way that does not require additional wheelchair-accessible buses. Buying wheelchair-accessible new buses until one-half of its fleet is accessible is one of the specific illustrations of satisfactory special efforts mentioned in Appendix A, for a city whose mass transit system consists of a fixed-route bus system.

Today's amendment allows up to six months for the level of local special efforts to reach an appropriate level. It is expected that by that time those areas choosing to serve handicapped persons with specialized service will have actual transportation in place, or at least have prepared draft applications for any grants necessary to meet the special efforts requirements.

Consultation with representatives from the local handicapped community should occur before an area decides on what approach it will pursue (see Appendix B, Paragraph 3).

Paragraph (a)(4) recites that compliance with the certification under this subsection shall be deemed compliance with section 504, section 16, and section 165. Compliance in this

context refers only to compliance with the obligation of recipients to ensure the provision of transportation service that handicapped persons can use (and planning for such transportation). The certificate does not stand for compliance with other requirements, such as nondiscrimination in employment on the basis of handicap. However, it does satisfy requirements such as the transition plan requirement of 49 CFR 27.65(d).

Subsection (b) spells out the circumstances under which a recipient may be found in noncompliance with this new section. Noncompliance means a failure to certify as required by this section or a *pattern* of failure to carry out special efforts as required by this section. An isolated problem (e.g., the failure of a paratransit vehicle to arrive as scheduled to pick up a handicapped individual) does not constitute noncompliance, and the Department will accept only those complaints of noncompliance that allege a consistent pattern of failing to make efforts called for under this section. Noncompliance subjects the recipient to administrative enforcement proceedings and sanctions as provided in Subpart F of 49 CFR Part 27.

Subsection (c) makes explicit that a recipient's certification under this section does not permit the recipient to engage in disparate treatment to the disadvantage of a handicapped person with respect to transportation on the recipient's regular mass transit system. If a handicapped person is capable of using the recipient's regular service provided to the general public, then the transit operator cannot deny such service to the handicapped person on the ground of handicap. This obligation means, for example, that a recipient must permit persons using auxiliary aids, such as guide dogs or crutches, to use its vehicles and services. Disparate treatment of this kind is prohibited under § 27.7, the general nondiscrimination section of 49 CFR Part 27. However, in view of the fact that a recipient's certification will constitute compliance with section 504 as it relates to the transportation of handicapped persons, the Department believes that it is useful to make this prohibition specific, notwithstanding the certification.

Request for Comments

This rule is intended as an interim rule, to remain in effect only until the Department publishes a new, permanent regulation governing the provision of mass transit services that handicapped persons can use. For the next 60 days,

the Department invites comment on what this new, permanent regulation should require. After reviewing the comments received, the Department intends to publish a notice of proposed rulemaking on the subject.

One alternative that the Department could follow is to make this interim provision permanent. We invite comments on this alternative. Specifically, what are the advantages and disadvantages of this approach? If the Department follows this course, are there substantive or technical modifications to the rule that the Department should make? Should the Department provide additional, more specific guidance or, alternatively, more specific requirements for the transit service provided to handicapped persons?

Another alternative would be for the Department to prescribe a new local option program. This alternative would require recipients to create their own programs for transportation of handicapped persons. What are the advantages and disadvantages of this approach? What should the Department's role be in ensuring that the programs are created and implemented? Should the Department require that the programs meet certain service criteria, and, if so, what should the criteria be? Should the Department require that there be a local consultative process to establish such programs and, if so, what should the process look like and who should be involved? What role should local elected officials play in the process?

There may be other approaches to the mass transit portion of the rule that the Department could take as well, and we are interested in receiving suggestions or comments on any other alternatives. The Department wishes to emphasize that its consideration of the content of a final rule is fully open, and that, within the scope of Administration policy on transportation for handicapped persons, the Department is not committed to any specific approach at this time, including the approach used in this interim rule.

In preparing its notice of proposed rulemaking, the Department is interested in considering whether changes should be made in portions of the rule other than those affecting urban mass transit. The provisions of 49 CFR Part 27 concern highway, railroad, and airport programs as well as mass transit. General provisions of the rule concern nondiscrimination in employment and the administrative process by which the Department implements the relevant statutes through the regulation. Should there be changes to any of all of these

provisions, and, if so, what should the changes be?

Immediate Effective Date

Under the Administrative Procedure Act, 5 U.S.C. 553(d), publication of a rule must normally take place 30 days before the rule's effective date. However, exceptions to this normal requirement are permissible in the case of "a substantive rule which . . . relieves a restriction" (5 U.S.C. 553(d)(1)) and "as otherwise provided by the agency for good cause found and published with the rule" (5 U.S.C. 553(d)(3)).

This rule is a substantive rule that relieves a restriction. Former Subpart E of 49 CFR Part 27 had restricted the discretion of UMTA grantees by requiring that they purchase only accessible buses and that they make existing rail mass transit systems accessible. By permitting local option for recipients to determine what special efforts to make, this rule relieves that restriction. On this ground alone, the Department is justified in publishing the rule with an immediate effective date.

Moreover, the Department finds that there is good cause for making this rule effective immediately. The Court's decision in *APTA v. Lewis* abruptly and significantly removed a major legal premise underlying former Subpart E. It is necessary for the Department to act expeditiously to conform its regulation to the understanding of the law resulting from the Court's decision. While the Court allowed the Department to consider whether section 16 and section 165, among other statutes, might support the requirements of Subpart E, we believe that these statutes do not mandate, although they may permit, the kinds of affirmative action that Subpart E contained.

In light of the very recent court decision and this Administration's legislative submissions, it is no longer tenable for the Department to attempt to maintain in effect and to enforce Subpart E. Retaining the *status quo*, even for an additional 30-day period, would create unnecessary confusion among recipients. Many recipients are preparing to order or to have ordered buses, and it would create uncertainty in or delay these procurement actions if the change were not made effective immediately.

These same reasons support publishing the rule without an opportunity for prior public comment under the Department of Transportation's Regulatory Policies and Procedures.

Regulatory Flexibility Act Determination

The Department has determined that this regulation will not have a significant economic impact on substantial numbers of small entities. That is, while some small units of government and small transit authorities will be affected by this regulatory change, the effect will be to relieve costs and burdens associated with former Subpart E of 49 CFR Part 27.

Instead of being required to buy lift-equipped buses as a condition of receiving Federal financial assistance, these entities will be able to choose a means of providing transportation to handicapped persons that they decide meets their needs in a cost-effective way. This effect will be welcomed, as it has been one that has been consistently requested by small recipients of UMTA funds during the two years that the Department's regulation on nondiscrimination on the basis of handicap has been in existence. In any event, since this interim final rule is being issued without a notice of proposed rulemaking, the regulatory flexibility analysis requirements of the Regulatory Flexibility Act do not apply to this rule.

Regulatory Impact Analysis

This regulation is classified as a "major" regulation under Executive Order 12291, which calls for a Regulatory Impact Analysis to be prepared for major rules. Because of the interim nature of this rule and because of the need to provide expeditious relief to regulated parties, the Office of Management and Budget has agreed to waive the Regulatory Impact Analysis requirement for this interim rule. The Department intends to prepare a Regulatory Impact Analysis in connection with its subsequent rulemaking on this subject. The Department, pursuant to its own Regulatory Policies and Procedures, did prepare a brief regulatory evaluation on this interim rule, based on existing studies. A copy of this evaluation has been placed in the docket for this rule, and members of the public may obtain a copy by contacting the Office of the Assistant General Counsel for Regulation and Enforcement, at the address listed in "For Further Information Contact."

Environmental Impact Evaluation

The interim rule, in adopting the major requirements of the pre-existing special efforts regulation, falls within the general range of alternatives considered by the Department in its environmental impact statement (EIS) on the existing

regulation. That document was filed with the U.S. District Court for the District of Columbia in November 1980 and made available to the general public at that time. In view of the emergency nature of the interim rule and the fact that its environmental impacts were within the range of those fully considered in the existing EIS, the Council on Environmental Quality has advised the Department that publication of the interim rule without further environmental documentation is consistent with the provisions of section 1506.11 of the Council's regulations for implementing the National Environmental Policy Act of 1969 (NEPA).

(Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); sections 3, 5, 16 and 18 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1604, 1612, and 1614); section 165(b) of the Federal-Aid Highway Act of 1973, as amended (23 U.S.C. 142 nt))

Issued in Washington, D.C. on July 16, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

Therefore,

A. Title 49 of the Code of Federal Regulations, Part 27, is amended as follows:

§§ 27.81-27.107 (Subpart E) [Removed]

1. By removing Subpart E thereof;

Table of Contents [Amended]

§§ 27.61, 27.65(c) and 27.67(a) [Amended]

2. By removing the references to Subpart E in the Table of Contents and in sections 27.61, 27.65(c) and 27.67(a) thereof;

§ 27.5 [Amended]

3. By removing the definitions of "commuter rail", "fixed route bus system", "light rail", "public paratransit system", "rapid rail", and "transportation improvement program" from section 27.5 thereof;

Subpart D—Heading [Amended]

4. By revising the title of Subpart D thereof in the Table of Contents and in the body of the regulation to read "Program Accessibility Requirements in Specific Operating Administration Programs: Airports, Railroads, Highways, and Mass Transit";

5. By adding a new section 27.77, a new Appendix A, and a new Appendix B to Subpart D thereof, to read as follows:

Subpart D—Program Accessibility Requirements in Specific Operating Administration Programs: Airports, Railroads, Highways and Mass Transit

§ 27.77 Urban Mass Transportation Administration—Mass Transit.

(a) *Certification.* (1) Recipients of funds under sections 3 and 5 of the Urban Mass Transportation Act shall certify that special efforts are being made in their service area to provide transportation that handicapped persons, including wheelchair users and semiambulatory persons, can use. These special efforts shall be consistent with the guidance in Appendix A to this Subpart. Appendix B to this Subpart provides advisory information on planning transportation that handicapped persons can use.

(2) Recipients of funds under section 18 of the Urban Mass Transportation Act shall certify that special efforts are being made in their service area to provide transportation that handicapped persons, including wheelchair users and semiambulatory persons, can use. This transportation shall be reasonable in comparison to the transportation provided to the general public and shall meet a significant fraction of the actual transportation needs of such persons within a reasonable time.

(3) The initial certification by each current recipient or grant applicant under this section shall be made within 60 days of the effective date of this section, and sent to the UMTA Regional Administrator, or, for section 18 applicants and recipients, to the FHWA Division Administrator through the designated section 18 state agency. Grant applications submitted after the effective date of this section shall include a certification or incorporate a prior certification by reference. Certifications may provide that the special efforts will be made within six months of the effective date of this section.

(4) The UMTA or FHWA Administrator shall accept such certification, and compliance with such certification shall be deemed to constitute compliance with section 504 of the Rehabilitation Act of 1973, section 16(a) of the Urban Mass Transportation Act of 1964, as amended, and section 165(b) of the Federal-Aid Highway Act of 1973, insofar as these statutes relate to the provision of mass transportation service that handicapped persons can use.

(b) *Noncompliance.* A failure to certify as required by this section or a pattern of failure to carry out special

efforts as required by this section constitutes noncompliance with this Part. Following administrative enforcement procedures set forth in Subpart F of this Part, recipients that have failed to certify as provided in subsection (a) of this section or that are found to have exhibited a pattern of failure to carry out such efforts are subject to having their certification revoked and to other administrative sanctions as provided in Subpart F.

(c) *Disparate Treatment.*

Notwithstanding the recipient's certification under subsection (a) of this section, the recipient shall not on the ground of handicap deny transportation service on the recipient's system of mass transportation for the general public to any handicapped person capable of using such service, or otherwise discriminate against such person in connection with such service.

Appendix A

Advisory Information on Programming for Handicapped Persons

Pursuant to the planning requirements established for urbanized areas in title 23 and the Urban Mass Transportation Act of 1964, as amended, the Urban Mass Transportation Administration (UMTA) and the Federal Highway Administration (FHWA) have previously jointly issued regulations (23 CFR Part 450 and 49 CFR Part 613) that require the urban transportation planning process to include special efforts to plan public mass transportation facilities and services that can effectively be utilized by elderly and handicapped persons. A supplementary statement which provides advisory information on the special efforts planning requirements is found in Appendix B to this Part.

As a result of special efforts in planning, projects designed to benefit handicapped persons, including projects designed specifically to benefit wheelchair users and those with semiambulatory capabilities, should appear in the annual element of transportation improvement programs submitted to UMTA. (Whenever the term "handicapped persons" is used, elderly persons who are handicapped by reason of age are intended to be included.) The term "projects" is meant to include significant features of larger projects (e.g., level-change mechanisms on full-size buses), as well as specially designed services and improvements in the coordination of existing services and resources. "Projects" includes payment of current operating costs of previously purchased wheelchair-accessible equipment and includes payment of expenses associated with indirect methods of providing service, such as subsidies to reduce taxi fares for wheelchair users or trip coupons provided directly to wheelchair users.

Projects funded by UMTA under section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended (UMT Act) may be identified as deriving from local special efforts to meet the needs of wheelchair users and semiambulatory persons only to the extent that the following four conditions are met: (1) the service and vehicles serve wheelchair users and semiambulatory persons; (2) the service meets a priority need identified in this planning process; (3) the service is not restricted to a particularized organizational or institutional clientele; and (4) any fares charged are comparable to those which are charged on standard transit buses for trips of similar length.

The coordination of existing transportation available for wheelchair users and semiambulatory persons, and funds which support the provision or purchase of such transportation, provided by the transit operators, governmental health and welfare agencies, and private nonprofit organizations may be identified as a project deriving from local special efforts. If the service and resources thus coordinated meet the four conditions for eligible section 16(b)(2) services (see above) and appear in the transportation improvement program, then those services and resources themselves may be identified as deriving from local special efforts.

Transportation improvement programs submitted to UMTA should identify those projects that result from the wheelchair user aspect of the handicapped special efforts requirement. Compliance with the regulation of the General Services Administration (GSA) on Accommodations for the Physically Handicapped (41 CFR Subpart 101-19.6) should not be identified as deriving from local special efforts. On the other hand, efforts which go beyond what GSA's regulation requires [e.g., making an existing subway station wheelchair accessible when GSA's regulation does not so require] may be part of the local special effort.

UMTA will not specify a program design to meet the "special efforts" requirement. However, the following examples are illustrative of a level of effort that will be deemed to satisfy this requirement with respect to wheelchair users and semiambulatory persons:

1. A program for wheelchair users and semiambulatory handicapped persons that will involve the expenditure of an average annual dollar amount equivalent to a minimum of 3.5 percent of the financial assistance that the urbanized area receives under section 5 of the UMT Act. Recipients in nonurbanized areas that receive assistance under section 3 but not section 5 cannot, of course, use this first illustration. Although their certifications would be submitted to UMTA, such recipients should be guided by the requirements applicable specifically to section 18 recipients (see 49 CFR 27.77(a)(2) and 23 CFR Part 825, Appendix A, Para. 5(b)). These "3.5 percent funds" may be derived from sources other than section 5. The term "average" permits lower expenditure years to be balanced by higher expenditure years but does not permit an initial delay in implementing projects. Projects that qualify as local "special efforts" for wheelchair users

and other semiambulatory persons under the initial paragraphs of this advisory information would be counted in computing the 3.5 percent.

For areas that choose to offer specialized service, there is, of course, no obligation to make that service available to persons who can use the regular transit system, although localities certainly may offer the service to such persons.

2. Purchase of only wheelchair-accessible new fixed route equipment until one-half of the fleet is accessible, or, in the alternative, provision of a substitute service that would provide comparable coverage and service levels.

3. A system, of any design, that would assure that every wheelchair user or semiambulatory person in the urbanized area would have public transportation available if requested for 10 round-trips per week at fares comparable to those which are charged on standard transit buses for trips of similar length, within the service area of the public transportation authority. The system could, for example, provide trip coupons to individuals who would then purchase the needed service.

These examples are illustrative of a level of effort that will satisfy the "special efforts" requirement. They are not regulatory standards or minimums, neither do they exhaust all valid approaches. They are meant to guide the development of local public transportation opportunities for wheelchair users and semiambulatory persons that in fact meet a significant fraction of the identified need within a reasonable time.

While the focus of the guidance in this appendix is on programming, reasonable progress in implementing programmed projects and in ensuring actual service is essential to meeting the "special efforts" requirement.

Appendix B

Advisory Information on Planning for Handicapped Persons Under UMTA and FHWA Joint Regulations, 23 CFR 450, Subparts A and C, and 49 CFR 613, Subparts A and B

1. *Background.* Section 16(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1612), declares the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; directs that special efforts be made in the planning and design of mass transportation facilities and services so that the availability of mass transportation which elderly and handicapped persons can effectively utilize with be assured; and directs that all federal programs offering assistance in the field of mass transportation contain provisions implementing this policy. Section 165(b) of the Federal-Aid Highway Act of 1973, as amended, contains a similar provision applicable to title 23 mass transportation assistance.

Pursuant to the planning requirements established for urbanized areas in title 23 and the Urban Mass Transportation Act of 1964, as amended, UMTA and FHWA have jointly issued regulations (23 CFR Part 450 and 49 CFR Part 613) that require the urban

transportation planning process to include special efforts to plan public mass transportation facilities and services that can effectively be utilized by handicapped persons. (Whenever the term "handicapped persons" is used, elderly persons who are handicapped by reason of age are intended to be included.) The purpose of this supplementary statement is to provide additional guidance on the special efforts requirement.

2. *General.* Elderly persons and the ambulatory handicapped constitute a significant fraction of present transit ridership. General improvement to transit service can thus be expected to improve conditions for these groups.

The focus of this guidance is on service to persons who, because of age or disability, are unable to utilize present transit service and facilities effectively, particularly those who use wheelchairs or other mobility aids. In many communities, persons who use wheelchairs or who otherwise have considerable difficulty negotiating steps find public transportation impossible to use for physical reasons, and private transportation-for-hire (e.g., special taxicab service, medicab, etc.) prohibitively expensive. Specific planning for this group is central to meeting the special efforts requirement.

3. *Consumer representation.* Section 450.120 of the joint planning regulations requires that the planning process include provisions to ensure involvement of the public. Handicapped persons, including wheelchair users and semiambulatory persons, are a part of the public and should be appropriately involved in the planning process to meet the special efforts requirement. It is presumed to be unlikely that effective project development to meet the needs of these users can occur without the assistance and cooperation of such persons, including wheelchair users and semiambulatory persons, and of public and private health and welfare agencies and handicapped consumer groups.

4. *Special efforts, urban transportation planning process.* The urban transportation planning process must include special efforts to plan public mass transportation facilities and service that can effectively be utilized by handicapped persons. As used in this guidance, the term "special efforts" refers both to service for handicapped persons in general and specifically to service for wheelchair users and semiambulatory persons. With regard to transportation for wheelchair users and others who cannot negotiate steps, "special efforts" in planning means genuine, good-faith progress in planning service for wheelchair users and semiambulatory handicapped persons that meets a significant fraction of the identified transportation needs of such persons within a reasonable time period. Particular attention should be given to those handicapped persons who are employed or for whom the lack of adequate transportation constitutes the major barrier to employment or job training.

In order to fulfill the special efforts requirement in planning, it will be necessary to identify the location and transportation

needs of wheelchair users and semiambulatory handicapped persons within the urbanized area. To the extent possible this information should be derived from existing and secondary sources.

In carrying out planning for wheelchair users and semiambulatory persons, a range of alternative service improvements should be evaluated as to coverage, cost, and benefit. Maximum feasible opportunity should be given to private carriers, whether or not they are presently providing mass transportation services, to provide some or all of the services selected.

Considerable short-term benefit can be derived from the coordination and rationalization of existing resources and services to meet the needs of the elderly and handicapped, including wheelchair users and semiambulatory handicapped persons. Governmental health and welfare agencies and private nonprofit organizations spend substantial sums each year to provide or purchase transportation for their clients, and these resources as well as any reduced fare local taxi service should be considered for inclusion in a local coordinated plan.

[FR Doc. 81-21240 Filed 7-17-81; 8:45 am]

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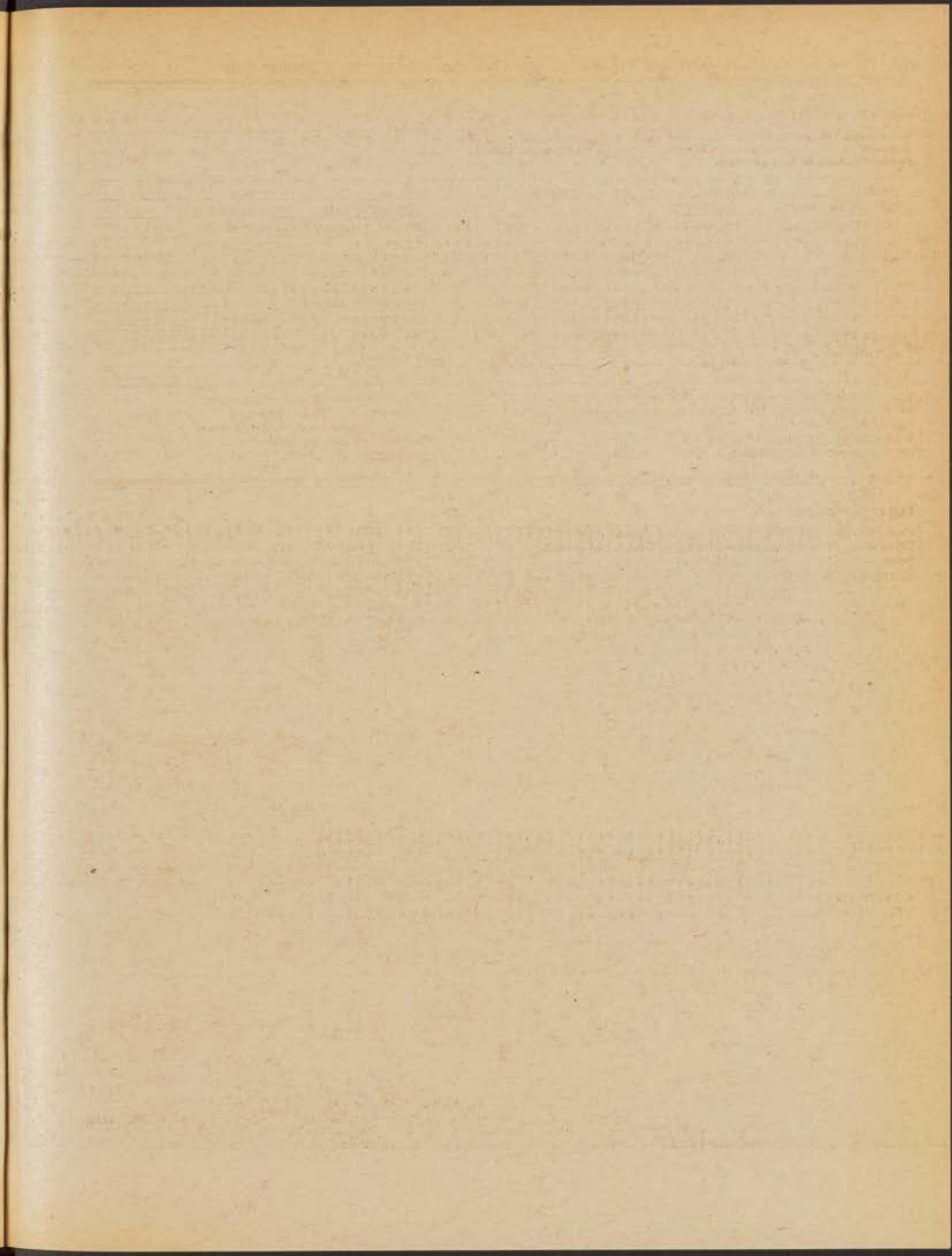
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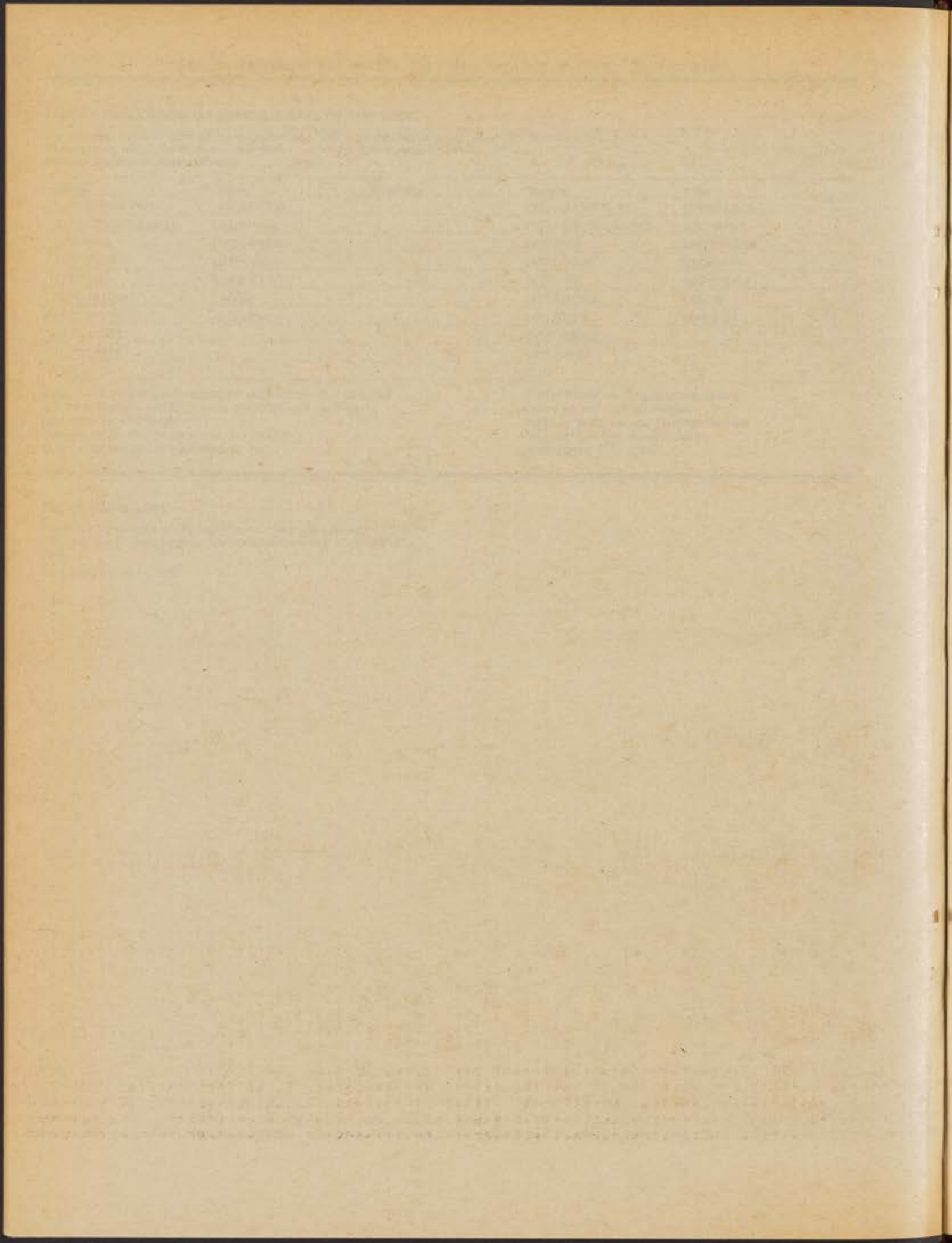
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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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